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5 COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY,

6 joint with the

7 COMMITTEE ON THE JUDICIARY

8 U.S. HOUSE OF REPRESENTATIVES,

9 WASHINGTON, D.C.

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13 INTERVIEW OF: GEORGE BERGES

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Tuesday, January 9, 2024

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Washington, D.C.

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22 The interview in the above matter was held in 6480 O'Neill House Office Building,

23 commencing at 9:58 a.m.

24

Present: Representatives Jordan, Bishop, Goldman, Ocasio-Cortez, and

25

Stansbury.

1 Appearances:

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5 For the COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY:

6

7 [REDACTED], SENIOR COUNSEL

8 [REDACTED] CHIEF COUNSEL FOR INVESTIGATIONS

9 [REDACTED] SENIOR PROFESSIONAL STAFF

10 [REDACTED] GENERAL COUNSEL

11 [REDACTED] MINORITY CHIEF COUNSEL

12 [REDACTED] MINORITY COUNSEL

13 [REDACTED] MINORITY PROFESSIONAL STAFF MEMBER

14 [REDACTED] MINORITY STAFF DIRECTOR

15 [REDACTED] MINORITY DEPUTY CHIEF OVERSIGHT COUNSEL

16

17 For the COMMITTEE ON THE JUDICIARY:

18

19 [REDACTED] GENERAL COUNSEL

20 [REDACTED] SENIOR PROFESSIONAL STAFF MEMBER

21 [REDACTED] SENIOR COMMUNICATIONS ADVISOR

22 [REDACTED] DEPUTY GENERAL COUNSEL

23 [REDACTED] COUNSEL

24 [REDACTED] CHIEF COUNSEL FOR OVERSIGHT

25 [REDACTED] MINORITY OVERSIGHT COUNSEL

1 [REDACTED] MINORITY CHIEF OVERSIGHT COUNSEL

2 [REDACTED] MINORITY FELLOW

3 [REDACTED] MINORITY PROFESSIONAL STAFF MEMBER

4

5 VIDEOGRAPHERS:

6

7 [REDACTED]

8

9 For GEORGE BERGES:

10

11 WILLIAM PITTARD, ESQ.

12 COURTNEY FORREST, ESQ.

13 Kaiser PLLC

14 1099 14th St, NW

15 8th Floor West

16 Washington, DC 20005

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2 Mr. [REDACTED] Let's go on the record.

3 Good morning. This is a transcribed interview of Mr. George Berges to the
4 Judiciary Committee and the Oversight Committee called by Chairman Comer and
5 Chairman Jordan.

6 Before we welcome the witness to this morning's proceeding, we're going to have
7 a colloquy with the minority. The minority today has brought their own video camera.
8 And under House rules, it's the chairman's responsibility to see that the proceedings are
9 recorded. The committee has an official videographer for the Judiciary Committee, and
10 the stenographer is provided by the House reporters

11 There's some concern raised by the minority that they don't have equal access to
12 the videotape and that is -- that is not the case. There will be a system in place where
13 both sides have equal access to the video recordings, and we are working currently with
14 the chairman to establish that system.

15 [REDACTED] do you have anything else?

16 Mr. [REDACTED] Sure. Today marks just the second time this Congress that the
17 Oversight Committee majority has decided to tape the transcribed interview or
18 deposition, first the transcribed interview of Ms. Fox on December 18th in Boca Raton,
19 Florida.

20 At that transcribed interview, we, the minority, requested on the record that the
21 recording of that transcribed interview and official committee proceeding be made
22 available to majority and minority staff on an equal basis. The majority staff has yet to
23 commit to this basic principle of equal access to this recording of a committee
24 proceeding.

25 So therefore today we brought our own recording equipment to make -- to ensure

1 that the minority has some access to a tape on an equal basis. However, if I am hearing
2 correctly from my majority colleagues, both on the Oversight Committee and the
3 Judiciary Committee, that the minority will be afforded equal access to the video
4 recording, which means that we will get, if the majority intends on releasing it, we
5 will -- releasing any portion of it, we will have access and have an opportunity to release
6 portions of it as well, then I am happy to take the minority video recording out.

7 Mr. [REDACTED] Thank you.

8 Yeah, and we haven't released any video from any proceedings. So --

9 Mr. [REDACTED] But I do have your assurance on this principle on behalf of the
10 majority staff?

11 Mr. [REDACTED] Yeah, we -- I mean, we --

12 Mr. [REDACTED] Can I get that assurance from the Oversight Committee, as well?

13 Mr. [REDACTED] We defer to the Judiciary Committee.

14 Mr. [REDACTED] Yeah, we -- I mean, the videographer, we have a professional
15 videographer and he's got -- he has professional equipment. And so we have the video.
16 And so any sort of agreement like that is between us, and so I've given you my
17 current record.

18 Mr. [REDACTED] Okay. So with the assurance from the chairs of both committee
19 that we will be afforded equal access to the video recording, we will take down our video
20 recording.

21 Thank you.

22 Mr. [REDACTED] We're off the record now. Thank you.

23 [Recess.]

24 Mr. [REDACTED] We'll go on the record.

25 This is a transcribed interview of George Berges. Chairmen Comer and Jordan

1 have requested this interview as part of the committee's investigation into the Biden
2 family's influence peddling and other business activity.

3 Would the witness please state your name for the record?

4 Mr. Berges. George Berges.

5 Mr. [REDACTED] On behalf of the Committee on Oversight and Accountability
6 and the Committee on the Judiciary, I want to thank Mr. Berges for appearing here today.

7 My name is [REDACTED] and I am the Chief Counsel For Investigations with
8 Chairman Comer's staff.

9 I will now ask everyone else on the majority and minority committee staff to
10 introduce themselves, as well.

11 Mr. [REDACTED] [REDACTED] General Counsel for Oversight.

12 Mr. [REDACTED] [REDACTED] with the House Judiciary Committee, Mr. Jordan's staff.

13 Ms. [REDACTED] [REDACTED] Mr. Jordan's staff.

14 Ms. [REDACTED] [REDACTED] Mr. Jordan's staff.

15 Ms. [REDACTED] [REDACTED] Chairman Jordan's staff.

16 Ms. [REDACTED] [REDACTED] Chairman Jordan's staff.

17 Ms. [REDACTED] [REDACTED] Chairman Jordan's staff.

18 Mr. [REDACTED] [REDACTED] Chairman Jordan's staff.

19 Mr. Bishop. Dan Bishop, Member from North Carolina.

20 Ms. [REDACTED] [REDACTED] Minority, Oversight.

21 Ms. [REDACTED] [REDACTED] Minority, Staff Director.

22 Ms. Stansbury. Congresswoman Melanie Stansbury, New Mexico, Democrat.

23 Mr. Goldman. Congressman Dan Goldman from New York.

24 Ms. Ocasio-Cortez. Congresswoman Alexandria Ocasio-Cortez, New York.

25 Mr. [REDACTED] [REDACTED] with the Oversight Committee, Democratic

1 staff.

2 Ms. [REDACTED] [REDACTED] with the House Judiciary Committee, Democratic staff.

3 Ms. [REDACTED] [REDACTED] with the House Oversight minority staff.

4 Mr. [REDACTED] [REDACTED] House Oversight, Democratic staff.

5 Ms. [REDACTED] [REDACTED] Ranking Member Nadler's staff.

6 Ms. [REDACTED] [REDACTED] Ranking Member Nadler's staff.

7 Ms. [REDACTED] [REDACTED] Ranking Member Nadler's staff.

8 Mr. [REDACTED] Okay. [REDACTED] do you want to identify yourself for the record?

9 Mr. [REDACTED] [REDACTED] [REDACTED]

10 Mr. [REDACTED] I'd like to go over --

11 Mr. [REDACTED] We also have Chairman Jordan here.

12 Mr. [REDACTED] I'd like do go over a few ground rules and guidelines that we will
13 follow during the interview that have previously been discussed with your lawyer.

14 First, our questioning today will occur in rounds. The majority will ask questions
15 for up to 1 hour, and then the minority staff will have an opportunity to ask questions for
16 an equal period of time if they choose.

17 The rounds will continue until there are no more questions.

18 We have made the accommodations at your attorney's request of scoping topics,
19 providing documents in advance of this interview, and allowing for you to have a
20 transcribed interview instead of a deposition. These accommodations are contingent
21 upon you giving complete and accurate testimony.

22 Typically we take a short break at the end of each hour, but if you would like to
23 take a break apart from that, please just let us know.

24 As you can see, there is an official reporter taking down everything we say to
25 make a written record. So we ask that you give verbal responses to all questions.

1 Do you understand everything so far?

2 Mr. Berges. Yes.

3 Mr. [REDACTED] To ensure the court reporter can make a clear record, we will do
4 our best to limit the number of people directing questions at you during any given hour to
5 just those people on the staff whose turn it is.

6 It's also important that we don't talk over one another or interrupt each other if
7 we can help it, and that goes for everybody present at today's interview.

8 We encourage witnesses who appear before the committees to freely consult
9 with counsel if they so choose. It's my understanding that you're accompanied by
10 counsel.

11 Could your counsel please state your names?

12 Mr. Pittard. Yes, I'm Bill Pittard from the Kaiser law firm.

13 Ms. Forrest. And I'm Courtney Forrest from the Kaiser law firm.

14 Mr. [REDACTED] Thank you.

15 We want you to answer our questions in the most complete and truthful manner
16 possible. So we will take our time. If you have any questions or you do not
17 understand one of our questions, please just let us know.

18 If you honestly don't know the answer to a question or do not remember, it is best
19 not to guess. Please give us your best recollection, and it's okay to tell us if you learned
20 information from someone else. Just indicate how you came to know that information.

21 If there are things you don't know or can't remember, just say so. And please
22 inform us who to the best of your knowledge might be able to provide a more complete
23 answer to the question.

24 You should also understand, although this interview is not under oath, that by law
25 you are required to answer questions from Congress truthfully.

1 Do you understand this?

2 Mr. Berges. Yes.

3 Mr. [REDACTED] This also applies to questions posed by congressional staff
4 during an interview.

5 Do you understand this?

6 Mr. Berges. Yes.

7 Mr. [REDACTED] Witnesses that knowingly provide false testimony could be
8 subject to criminal prosecution for making false statements.

9 Do you understand this?

10 Mr. Berges. Yes.

11 Mr. [REDACTED] Furthermore, you cannot tell half-truths or exclude information
12 necessary to make the statements ac -- necessary to make the statements accurate.
13 You are required to provide all information that would make your responses truthful. A
14 deliberate failure to disclose information can constitute a false statement.

15 Do you understand this?

16 Mr. Berges. Yes.

17 Mr. [REDACTED] Is there any reason you are unable to provide truthful answers
18 to today's questions?

19 Mr. Berges. No.

20 Mr. [REDACTED] Additionally, if you choose to confer with your attorney in a
21 sidebar or if there any interruptions or interjections from your attorney or minority, the
22 majority's time will be paused for the duration of those interruptions.

23 That's the end of my preamble. Is there anything the minority would like to add?

24 Ms. [REDACTED] We just thank the witness for appearing today.

25 Mr. [REDACTED] The clock reads 10:33.

1 We'll begin the majority's first hour of questioning.

2 EXAMINATION

3 BY MR. [REDACTED]

4 Q I'd just like to start with a few questions about your background. Where
5 did you attend college?

6 A I went to undergrad at University of California at Santa Cruz and graduate
7 school at Seton Hall University.

8 Q And what degrees did you receive?

9 A Undergrad was psychology with art therapy, and graduate degree was
10 international relations and an MPA in management.

11 Q Do you have any professional or educational background in ethics or
12 compliance?

13 A No.

14 Q Are you a lawyer?

15 A No.

16 Q Okay. When did you open the George Berges Gallery in Soho?

17 A 2015.

18 Q How many employees work for you at the Soho location?

19 A At this moment I have one.

20 Q Okay.

21 A Just me and my -- so somebody else.

22 Q How many paintings are in your gallery in Soho?

23 A Gosh, I wouldn't know the exact number.

24 Q Care to estimate?

25 A 40, 50, 60. I don't know.

- 1 Q Do you store paintings?
- 2 A I do.
- 3 Q And those are stored outside of the gallery?
- 4 A In the gallery.
- 5 Q They're stored in the gallery?
- 6 A Correct.
- 7 Q So you don't have to pay separately for storage.
- 8 A Correct.
- 9 Q Do you have to insure the paintings?
- 10 A Yes.
- 11 Q What does insuring paintings cost generally?
- 12 A I wouldn't know off the top of my head. I know we have Lloyds of London,
13 and that's who insures or up to I think it's \$5 million or so.
- 14 Q On the Berges Gallery website, you have a video that's about 5 minutes long,
15 describing your approach to being a gallerist. You say: I feel that the relationship
16 between artists and collector, it used to be a very unified relationship where it was very
17 personal.
- 18 Do you know the video that I'm referencing?
- 19 A Yes.
- 20 Q Do you still believe that?
- 21 A Yes.
- 22 Q Would you say that it's kind of how you distinguish yourself as a gallerist, as
23 fostering that kind of relationship?
- 24 A One of the things. I mean, it's -- yes.
- 25 Q That video was posted 8 years ago. Has that been kind of a guiding

1 principle for the gallery?

2 A Broadly speaking.

3 Q The same video you say you -- you've made a salon-style gallery. What do
4 you mean by that?

5 A That fully didn't materialize. It's just a whole gallery. It's -- what I wanted
6 to do before was have the bottom floor be more of a salon style. It still has that
7 element but there's -- there's no -- it -- that video was done right before I opened the
8 gallery. So that's an aspect of the gallery that didn't fully materialize.

9 Q Okay. So can people walk in and look at the art --

10 A Yeah.

11 Q -- in your gallery?

12 How many collectors do you work with?

13 A I don't know. There's -- it depends on any given year or -- there's no set
14 number.

15 Q Okay. Do you have a relationship with the people that you buy art from or
16 that you sell art to?

17 A Some.

18 Q How about your artists? How many artists do you represent?

19 A Off the top of my head, I'm say 15, 16 but I -- don't hold me to that exact
20 number.

21 Q Do you have a relationship with the artists that you take in?

22 A I try to.

23 Q Do you know the political affiliations of the artists that you represent?

24 A No.

25 Q What about the collectors?

1 A No.

2 Q Do you care about their political affiliations?

3 A Not really.

4 Q Because an important part of your job, you say this in the video, is to make
5 your gallery profitable, right?

6 A Profitable but primarily to have some kind of impact within the art world,
7 cultural impact, although profit is obviously a motive. It's a business, but it's not the
8 sole purpose of my gallery.

9 Q And the other functions of your gallery don't work unless you, you know,
10 make it --

11 A Right.

12 Q -- a profitable business.

13 A Right. But then it's an empty profit if I don't fulfill my mission in how
14 to -- such as sell tickets.

15 Q You yourself have made political contributions to both Republicans and
16 Democrats. Is that correct?

17 A That's correct.

18 Q In addition to original compositions, do you sell prints in your gallery?

19 A I have -- I feel -- I -- it's not a primary focus of the gallery. I'm not -- the
20 print industry is an industry in itself. It's -- so I don't specialize in prints.

21 Q Okay. When you first started the Burges Gallery, how many pieces were
22 you selling per month, would you say?

23 A Oh, I can't tell. It's been 9 years ago. I don't know.

24 Q Fewer than you sell now?

25 A Actually right now it's probably the same.

1 Q What -- how many do you sell now per month?

2 A I mean, it depends on the month, too. The winter seasons are slow. So
3 they during the peak seasons I could sell seven, eight. Slow, I can go 2 months without
4 selling a painting.

5 Q Uh-huh.

6 A So it's cyclical. It's cyclical within the year and cyclical within a couple of
7 years, the economy.

8 Q What was your annual revenue for the past year?

9 A I wouldn't know off the top of my head, to be honest with you. If you're
10 asking me to make a declarative statement on something like that, I couldn't do that.

11 Q Any kind of estimation?

12 A I think we broke even lately. I haven't -- haven't -- these last few years
13 been pretty tough.

14 Q What about when you first began? Same thing?

15 A No, I mean, we went -- obviously, most businesses go through a loss for the
16 first few years and then had started making a profit. But I'd say in the last few years
17 we've been breaking even. Certainly not making exorbitant amount of money.

18 Q When did you first learn that Hunter Biden had become an artist?

19 A I met him maybe a year before his dad even was elected. So I -- that's how
20 I knew he was an artist. That's how I met him.

21 Q So maybe -- so --

22 A I've been working with him, when his dad was elected, I'd been working with
23 him for over a year at the time.

24 Mr. [REDACTED] Elected President, right?

25 Mr. Berges. Yes, correct.

1 BY MR. [REDACTED]

2 Q So maybe 2019 --

3 A Yes, something like that.

4 Q -- you met him?

5 And by December of 2020, it had been reported that you were -- that you had
6 become Mr. Biden's gallerist.

7 A Correct.

8 Q So when were you -- how -- can you describe what the situation was where
9 you were introduced to Hunter Biden?

10 A We had a mutual friend and she knows that I'm a gallerist and she liked his
11 work. And she said -- she's introduced me to a lot of other people. But it was, you
12 know, this is -- there's this artist.

13 I wasn't particularly driven anything with politics. I'm not a very partisan person,
14 like, very excited about -- that wasn't my excitement of seeing. It was just about the art.
15 I flew in, and I looked at his art. I liked the potential, what I saw. I also liked his
16 personal narrative for a variety of reasons. And but it's a process. So nothing
17 happened from that moment.

18 And then, you know, we subsequently started texting. He was showing me his
19 artwork, his progress. It's a relationship. So there's no start date. And it's like any
20 other relationship, right? So that's how it was.

21 Q When you say you flew in, he was living --

22 A He was living in California -- in at the time it was the Hollywood Hills.

23 Q Okay. And you said that a mutual friend introduced you to Mr. Biden.
24 Who is that mutual friend?

25 A Lanette Phillips.

1 Q How do you know Lanette Phillips?

2 A I've met her a couple of years prior at a -- at some French restaurant by the
3 gallery and we became friends.

4 Q Do you know what Ms. Phillips does for a living?

5 A I don't. I know she worked in entertainment or she did videos for, like,
6 Rihanna and people like that but I don't -- I don't know what she's doing now. I don't
7 know what she -- technically what her job is, yeah.

8 Q Do you know if Ms. Phillips is involved in Democratic politics?

9 A I know she was involved in -- to some degree in some elements but I don't
10 know. That wasn't really my focus in our relationship.

11 Q Do you know if she's ever hosted events where Hunter Biden has attended,
12 public -- or like fundraising events?

13 A I know she has, yes.

14 Q Do you know if Joe Biden has attended those events?

15 A I'm not sure, but I wouldn't be surprised if -- I'm not sure.

16 Q When would you say this happened? In 2019?

17 A Yes.

18 Mr. Pittard. And by this, you mean Ms. Phillips introducing the two of them?

19 Mr. [REDACTED] Correct.

20 Mr. Berges. An estimation. I don't -- off the top of my head, yeah.

21 BY MR. [REDACTED]

22 Q So you said -- you went into this a little bit but can you describe the -- how
23 you went from being introduced to Mr. Biden to being his gallerist.

24 A I mean, it was just a process. It was a relationship. I liked his art. I liked
25 the trajectory. I liked his story, you know. I always like to tell people that, you know,

1 Hunter, like so many of us, faced a crossroad in his life. And he could keep going and die
2 or do the hard thing which is to change, and he did the hard thing.

3 And I think in many ways this is why I think we like movies like "Rocky," right.
4 We cheer for someone because he's not supposed to win. To me, that's America. And
5 I like that narrative. And I saw that he was a great artist and it was reflected in his art
6 and it was inspirational. And that was my motivation with working with him.

7 And that evolved through the relationship of us talking and building that
8 relationship. So there was no -- no date when I became his gallerist until maybe the
9 contract where we had -- we had it in contract.

10 But I always like to say, you know, if you -- if I really have to depend on contracts
11 strictly with an artist, the relationship, it's, a lot of it is verbal, you know. We paper it
12 eventually, but it's, again, it's a relationship.

13 And so I -- so there was no point, the more I got to know him and hearing his
14 narrative, which is not uncommon the art world, the issues with addiction and personal
15 issues, but what is uncommon is the ability to change, to make those hard choices, which
16 I think, you know, to me reflects to me America and that your past doesn't have to dictate
17 your future, that ultimately we all face that crossroads in our life and do we keep going
18 and die or do we do the hard thing and change. And --

19 Q Can I just ask? At this point were you aware of if Hunter Biden had either
20 sold or gifted his art to anybody before you had -- before you became his gallerist?

21 A I don't know about that, to be honest.

22 Q You don't know?

23 A I couldn't make a declarative statement about that at all.

24 Q Do you know if Lanette Phillips has any of Hunter Biden's art at all?

25 A I don't know.

1 Q So as you're discussing -- as this relationship is forming with you and
2 Mr. Biden --

3 A Right.

4 Q -- when -- when did you first sell a piece of Hunter Biden's art?

5 A Gees, I don't remember.

6 Mr. Pittard. Do you need to read the letter to --

7 Mr. Berges. Is this the -- so, December 11th, 2020.

8 Mr. [REDACTED] Okay.

9 Mr. [REDACTED] Should we mark the letter as an exhibit? I know we've got a
10 numbers system.

11 Mr. [REDACTED]. Do you have a clean one?

12 Mr. [REDACTED] Prior to going onto the record, your attorney has provided us a
13 letter, providing some detail into the -- into your sale of art and the relationship with
14 Hunter Biden.

15 [Berges Exhibit No. 1

16 was marked for identification.]

17 Mr. [REDACTED] We will mark this letter as exhibit, I guess, R for the majority.

18 Ms. [REDACTED] I'm sorry.

19 Mr. [REDACTED] Can we go off the record?

20 [Discussion off the record.]

21 Mr. [REDACTED] We'll go back on the record.

22 We'll mark this as exhibit A.

23 Mr. [REDACTED] Maybe we should call it 1. This is exhibit 1.

24 Mr. Berges. Can we have a vote on it?

25 Mr. [REDACTED] Thank you.

1

BY MR. [REDACTED]

2

Q So according to your letter, the first sale of Hunter Biden's art was on

3

December 20th. Had you established anything in writing regarding your relationship

4

with Hunter Biden at that time? Excuse me. December 11th.

5

A I believe so, yeah.

6

Q What were the terms of that agreement?

7

A I think that he, not to -- I'm not going to be acc -- off the of my head, I think

8

he received 60 percent and I received 40 of -- or 65. I don't recall, to be honest. It was

9

pretty general but I don't -- I think that's -- it was -- that's what I remember.

10

Q Okay. And we're going to touch on this in a bit but at this point --

11

A Which obviously focus on the financial part. That's as a business guy.

12

But, yeah, I don't remember. That's kind of what I remember.

13

Q At this point had there been discussions about keeping the buyers of Hunter

14

Biden's art anonymous?

15

A I believe the -- in the first one, he -- I believe in the first contract, he

16

was -- he was able to know who the buyers were.

17

Q Okay.

18

A Yeah. I don't know how it was phrased or -- but I remember that

19

there -- that that was the difference. So --

20

Mr. Jordan. Is that normal or unusual, or where's that? Is it a normal kind of

21

contract?

22

Mr. Berges. That part was different than -- normally, the gallerist does not let

23

the artist know who the collectors are. So --

24

Mr. Jordan. Hunter Biden wanted to know who was purchasing his art when he

25

first started with you.

1 Mr. Berges. That was the initial contract, correct.

2 Mr. [REDACTED] Did he say why he wanted to know?

3 Mr. Berges. No. I mean, to be honest with you, as we started off with my
4 philosophy about the gallerist and the collectors knowing each other, it was kind of at par
5 with my philosophies that I was kind of trying to encourage at that time, you know, like as
6 we started, that the -- that the collector and the artist get to know each other and the
7 salon style.

8 So it was really, although it was -- it's not conventional, that was a -- that's what
9 was unconventional about my style of doing art, which I thought was aligned with it. So
10 I didn't see so much anything wrong with it in that sense is -- so, you know, so
11 that's -- that's it.

12 BY MR. [REDACTED]

13 Q At that point when you're establishing this relationship with Hunter Biden,
14 are you talking about potential clientele who might be interested in Hunter Biden's art?

15 A Not at that point. I mean, at that point I was really just working on
16 developing the relationship. You know, we've -- all of my artists are my friends, and
17 Hunter's no exception. And it has nothing to do with politics or anything, far from it,
18 just from an interpersonal relationship.

19 And so during that first year, that's what I was developing. And, again, like I was
20 saying, if I have to really focus a lot on the contract with an artist, then I probably
21 shouldn't be working with them. So I'm very lenient.

22 And in the beginning and this idea of him knowing the collectors, although it was
23 not a usual request or that I would grant, it was in par with the vision of my gallery of
24 collectors and artists getting to know each other. So it was -- it was certainly in line with
25 the trajectory of how I envisioned my gallery.

1 Q So this kind of dynamic was something you were pushing, the relationships
2 between collectors?

3 A I mean, I didn't push it -- in terms of the contract was it was Hunter Biden's
4 request. It wasn't mine. But it didn't, because of my overall philosophy, it wasn't
5 something that I --

6 Mr. Jordan. How many artists do you work with right now?

7 Mr. Berges. It's like 15 or so.

8 Mr. Jordan. Fifteen. How many of them, when you initially started with them,
9 asked to know who was purchasing their artwork?

10 Mr. Berges. None.

11 Mr. Jordan. Only Hunter Biden. Okay.

12 Mr. [REDACTED] How did you introduce Buyer A to Hunter Biden?

13 Mr. Berges. Which one's Buyer A?

14 Mr. Pittard. Do you remember who that is? We've got a cheat sheet for you if
15 you want.

16 Mr. Berges. I don't know who that is no.

17 She's a collector of mine. She's bought maybe 23 paintings before from my
18 gallery. She's an established collector of the gallery. I've known her for years.

19 Mr. [REDACTED] Did you inform Hunter Biden of the art purchaser, or did they
20 meet together? Like how did that information transpire?

21 Mr. Berges. He doesn't even know who she is or that she's bought to this day.
22 So I've never -- I -- even though I was required, it was never really -- I've never told it
23 because, to be honest with you, it's my collector base, too. I kind of -- what you don't
24 want is your artists to circumvent you if they know your collectors. So it's kind of the
25 bloodline of the gallery, so which is an incentive of why galleries don't necessarily want to

1 give away their buyers because then what's prevents them from just working directly.

2 So my inclination was to keep it to myself at the time, even though -- and it was
3 never pushed.

4 BY MR. [REDACTED]

5 Q It says on the same date that William Jacques purchased a --

6 A Uh-huh.

7 Q -- a painting. Who is William Jacques?

8 A He's a really good friend of mine. He's also a shareholder of the gallery.

9 So he's a part owner of it. I know he's a very successful man. I think, you know, he's a
10 mentor and a friend.

11 Q What is his relationship with Buyer A? Because it happened on the same
12 day?

13 A None. They don't even know each other.

14 Q A couple months after that, Elizabeth Naftali is listed on February 17th,
15 2021, as purchasing a piece entitled, Mother and Daughter.

16 How do you know Elizabeth Naftali?

17 A I met her through Lanette also.

18 Q She's a friend of Ms. Phillips?

19 A Correct.

20 Q How many pieces has Ms. Naftali bought you from?

21 A Two, I believe.

22 Q Two Hunter Biden pieces?

23 A I believe so.

24 Q Has she bought other pieces from you?

25 A No.

1 Q What was the price of those two?

2 A One was \$52,000, and the other one was \$42,000.

3 Q When did you -- when did you first meet Ms. Naftali through Ms. Phillips?

4 A It's all off the top of my head. I would say maybe 2020, twenty -- I -- when
5 was -- when did she buy the first one? Because she didn't buy the first one. I think it
6 was, like, almost a year since I'd known her when she bought one.

7 And it was -- and it's -- I'm pushing my artists like I push all my artists, anybody I
8 meet. So any chance I get, I try to sell the art because all of my artists survive off the art
9 that I sell. And so I always make it a point. So it -- I know that I was pushing that first
10 one for a year.

11 Q Have you ever discussed Ms. Naftali with Hunter Biden?

12 A Have I ever discussed with Naftali?

13 Q Have you ever discussed Naftali with Hunter Biden?

14 A Just to -- yeah, I mean, like, she said hi or I just -- I just met with, you know,
15 very -- platitudes, nothing -- nothing specific.

16 Q Are you aware that on July 1st of 2022, Ms. Naftali was appointed by
17 President Biden to the U.S. Commission for the Preservation of America's Heritage
18 Abroad?

19 A I read about it, but I didn't know about it. I didn't know anything about
20 that.

21 Q That was after she purchased the first piece from you?

22 A I didn't know anything about that. I read it in the newspapers like
23 everybody else did.

24 Q You're aware of what that commission is?

25 A I think I -- that it's preserving Jewish cemeteries in Europe in areas where the

1 Jewish population --

2 Mr. Pittard. Do you know anything about it?

3 Mr. Berges. Oh, I don't. I don't.

4 Mr. Pittard. Okay.

5 BY MR. [REDACTED]

6 Q Are you aware that Hunter Biden has previously arranged to have his
7 business park, Eric Schwerin, appointed to the same board?

8 A No.

9 Q That was while Joe Biden was Vice President?

10 A I didn't know that.

11 Q So when was it first raised to you that Hunter Biden's buyers should be made
12 anonymous to him?

13 A When was it made aware?

14 Q Yes.

15 A There was -- I don't -- we, you know, we had talked about it. So I don't
16 know. As you can tell, I even with the first buyer I never told him.

17 Q Uh-huh.

18 A So even though we had put something on the contract that where he's going
19 to tell him, I wasn't really practicing that so -- because it's -- it's not something
20 instinctively I want to do. So I don't know if a start date of when I started talking about
21 it or when what we -- I know that we formalized it eventually. We papered it over, but I
22 don't know -- there's no time, day, or I think of when we sat down. It was just a natural
23 process.

24 Q But there were multiple -- are there multiple agreements that you've
25 entered into with Hunter Biden regarding the sale of his art?

1 A I think it was -- there was just two.

2 Q It was two. So when was first one?

3 A I guess -- I don't know. It was twenty -- I don't know when the first one
4 was. It was right -- it was obviously before I sold the first one.

5 So remember it was, the process of me meeting him in 2019, it was very slow
6 because we went out to dinner. We started texting each other. So you got to give it a
7 few months. We're going, to the point that we started formalizing something, maybe it
8 was the summer of 2019 or fall, I don't know, maybe the fall.

9 And then we -- and then a year later we revised it. It was before -- maybe 2
10 months before the election, 3 months or something.

11 Q The first agreement.

12 A Yes.

13 Q And then --

14 A But don't quote me to that.

15 Q Sure.

16 Mr. Pittard. If you know, answer the question.

17 Mr. Berges. Okay.

18 Mr. Pittard. If you don't know --

19 Mr. Berges. Yeah.

20 Mr. Pittard. -- tell them you don't know.

21 Mr. Berges. Okay.

22 BY MR. [REDACTED]

23 Q But then after Joe Biden is elected President in 2020, fast-forward to the
24 summer of 2021, there is reporting that the White House is involved with working on a
25 deal where Hunter Biden's buyers would not be made known to Hunter Biden or to the

1 White House.

2 A Uh-huh.

3 Q And only you would know them. Is that correct?

4 A What's correct?

5 Q Is it correct that there was -- that it became public that there -- that there
6 was a new agreement, that there -- that your -- that you would be in charge of knowing
7 who the purchasers were and Hunter Biden would not?

8 A It's correct that it -- that that was a public statement that I heard.

9 Q So when did those negotiations or conversations with the White House
10 begin?

11 A I never had any conversations with the White House.

12 Q So the White House has given no input into your representation of Hunter
13 Biden.

14 A My client did. My collect -- my person I work with is hunter. That's the
15 only person I focus on.

16 BY MR. [REDACTED]

17 Q How many contracts have you had with Hunter Biden?

18 A Two.

19 Q And did you have a -- there's one that's been made public.

20 A Right.

21 Q That was dated September 1st, 2021.

22 A Okay.

23 Q And was there another agreement prior to September 1st, 2021?

24 A There was.

25 Q Or after?

1 A There was.

2 Q Okay. So those are two agreements?

3 A Right.

4 Q And are there provisions in both of those agreements that you're not going
5 to disclose the buyer?

6 A In the first one, I was required to disclose the buyer.

7 Q Okay.

8 A The second one, I was -- it was removed. It was the opposite.

9 Q Okay. Maybe we should make that --

10 Mr. Bishop. Which one was it? Was it removed, or was it the opposite?

11 Mr. Berges. No. The first one was that I was required to disclose who the
12 buyers were. In the second one, I was required to not disclose the buyers.

13 Mr. Jordan. And what changed? What caused that change?

14 Mr. Berges. I -- that was just -- I don't know. Just what I was -- where we
15 wanted to update it.

16 Mr. Jordan. When you updated the contract, did Hunter Biden come to you and
17 say we need to change the correct?

18 Mr. Berges. Correct.

19 Mr. Jordan. Okay.

20 Mr. [REDACTED] We'll mark that as exhibit 2 maybe, since we're talking about it, the
21 September 1st, 2021, contract which --

22 Mr. [REDACTED] If you open the binder, this is exhibit Q.

23 Mr. Berges. Q?

24 Mr. [REDACTED] Thank you.

25 Mr. Berges. Okay.

1 Mr. [REDACTED] We'll mark this as number 2.

2 [Berges Exhibit No. 2

3 was marked for identification.]

4 BY MR. [REDACTED]

5 Q Who recommended the changes? You said it was Hunter Biden. Is that
6 correct?

7 A Correct.

8 Q Do you know who told Hunter Biden to make that change?

9 A I do not.

10 Q So when you're seeing in the press that the White House is putting in certain
11 safeguards regarding an ethics agreement but you've had no conversations with did
12 White House, I mean, did you ever say to Hunter Biden, Hey, where's this coming from?
13 This is in the press, saying the White House is involved in this ethics agreement. They're
14 not even involved in the agreement at all.

15 A I might have. I probably did, yeah.

16 Q And do you remember what he said to you?

17 A I don't. I remember -- I do remember being surprised.

18 Q Why were you surprised?

19 A Because I hadn't had any communication with the White House about an
20 agreement.

21 Q Did you feel like the White House's statement was incorrect or not right
22 based upon what was -- they were reporting?

23 A I felt that --

24 Mr. Pittard. Did you -- did you see the White House -- I mean, do you know if
25 what the White House statement is or did you just --

1 Mr. Berges. I don't remember what -- I just -- I don't remember what the
2 statement was. I just, you know, I don't --

3 BY MR. [REDACTED]

4 Q Well, you said you were surprised.

5 A Right.

6 Q And so I'm trying to understand what you were surprised about, when the
7 White House is putting out this statement that they're working with Hunter Biden and the
8 gallerist regarding an ethics agreement and you've never had a conversation with the
9 White House or counsel's never had a conversation with the White House, correct?

10 A Well, that's what surprised me.

11 Ms. Forrest. Well, did you see ever see a statement from the White House, or
12 did you just see the press report about what the press was saying the White House said?

13 Mr. Berges. I saw I think the press reports, yeah.

14 BY MR. [REDACTED]

15 Q Well, do you have any reason to believe the press reports are incorrect?

16 A Well, they were incorrect.

17 Q They were incorrect in what -- the White House's statement was incorrect,
18 not the press --

19 A Well, I did --

20 Q -- reporting what the White House was saying.

21 A I think my issue was I was -- I didn't really see what the White House said. I
22 saw what the press said. So I think maybe that was the disconnect. But what the press
23 was saying was not -- was what surprised me because, I mean, I don't sit there and watch
24 the daily briefings every day.

25 Mr. [REDACTED] If you go to tab H -- we'll call this exhibit 3. On the second

1 page --

2 [Berges Exhibit No. 3

3 was marked for identification.]

4 Ms. Forrest. You can read the whole thing if you need to.

5 Mr. [REDACTED] We'll go off the record.

6 [Discussion off the record.]

7 Mr. [REDACTED] We'll go back on the record.

8 Can you read the fourth paragraph on the second page?

9 Mr. Berges. Andrew Bates, the deputy White House press secretary, suggested
10 that the buyer's confidentiality would ensure the process is ethical. The President has
11 established the highest ethical standards of any administration in American history, and
12 its family's commitment to rigorous processes like this is a prime example.

13 Mr. [REDACTED] So when the White House spokesperson is saying the President
14 has established the highest ethical standards, he didn't -- he -- neither he nor his White
15 House established the agreement or any of the rules regarding Hunter Biden's art,
16 correct?

17 Mr. Pittard. Hold on. First, there's no -- I'm not sure that George has ever seen
18 this article.

19 Mr. [REDACTED] This was sent to him.

20 Mr. Pittard. Second, George -- he can't testify about whether the White House
21 did anything, right, because he's told you that he's never talked to them. So maybe
22 they've done something. Maybe they haven't. We -- he doesn't know. I don't know.
23 But I don't think it's fair or proper to ask him what the White House did or didn't do. He
24 doesn't know.

25 Mr. [REDACTED] I'll read the first paragraph of that Washington Post story.

1 White House officials have helped craft an agreement under which purchasers of
2 Hunter Biden's artwork, which could be listed at prices as high as \$500,000, will be kept
3 confidential from even the artist himself in an attempt to avoid ethical issues that could
4 arise as a Presidential family member tries to sell a product with a highly subjective value.

5 Did the White House -- did White House officials help you craft an agreement?

6 Mr. Pittard. Did you -- well, what he can answer is that he talked to the White
7 House, right? Was he -- did the White House work with him to craft an agreement? I
8 think that's a fair question.

9 Mr. [REDACTED] That was his question.

10 Mr. Pittard. Okay. I thought he was asking did the White House craft an
11 agreement --

12 Mr. [REDACTED] With you.

13 Mr. Pittard. -- with Hunter or somebody else. I don't --

14 Mr. Berges. I don't know.

15 Mr. Pittard. He can testify what he knows.

16 Mr. Berges. From my -- no.

17 Mr. [REDACTED] Can we go off the record for a second.

18 [Discussion off the record.]

19 Mr. [REDACTED] We'll go back on the record.

20 Mr. [REDACTED] Do we know what -- what exhibit number?

21 Mr. [REDACTED] We're on 4.

22 Mr. [REDACTED] So we'll mark as exhibit 5 --

23 Mr. [REDACTED] No, we'll mark it as 4.

24 [Berges Exhibit No. 4
25 was marked for identification.]

1 Mr. [REDACTED] Number 4, the Vox story. Is that in the binder?

2 Mr. [REDACTED] No.

3 Mr. [REDACTED] Okay. So we're going to mark as exhibit 4 a story from a
4 publication call vox.com written by Aaron Rugar, dated August 3rd, 2021, which is prior to
5 the date of the second Hunter Biden agreement that you had, right, the second Hunter
6 Biden agreement which we marked as a previous exhibit was dated September 1st, 2021.

7 Mr. [REDACTED] And I'm sorry, [REDACTED] Is that in the binder?

8 Mr. [REDACTED] It's not. We're passing it around right now.

9 Mr. Pittard. [REDACTED] is this something you all had sent to us?

10 Mr. [REDACTED] I'm not sure if we sent it to you or not.

11 Mr. Pittard. Okay. The idea was you were going to send us stuff you wanted to
12 ask about.

13 Mr. [REDACTED] We do our best to get you as many --

14 Mr. Pittard. I hear you.

15 So looks like it's a long article from something called vox.com.

16 Mr. [REDACTED] Right. And I'm going to refer you to page 3.

17 Ms. Forrest. Can we get another copy for us over here?

18 Mr. [REDACTED] Of course. Of course.

19 Direct you to the page 3, beginning with: White House officials climate on the
20 criticisms.

21 Mr. Pittard. I don't see that.

22 I see. Thank you.

23 Mr. [REDACTED] Do you see it now?

24 Mr. Pittard. I do. Thank you.

25 Mr. [REDACTED] Okay. And so the subsequent paragraph is what I'm going to ask a

1 question about. That paragraph begins: Hunter has the right to pursue an artistic
2 career.

3 Are you with me?

4 Mr. Pittard. I see that paragraph.

5 Mr. [REDACTED] Okay. So I'll just read it here.

6 Psaki said on July 9th, quote, "But all interactions regarding the selling of art and
7 the setting of prices will be handled by a professional gallerist, adhering to the highest
8 ethical standards.

9 This is a statement from White House press secretary Jen Psaki on June 9th.

10 Ms. Forrest. I think it actually says industry standards, not ethical standards.

11 BY MR. [REDACTED]

12 Q I'm sorry. High -- adhering to highest industry standards. My bad.

13 This is dated -- the story's dated August 3rd, 2021, referring to July 9th, 2021,
14 comments from the White House podium from White House press secretary Jen Psaki.

15 And at this point in time, the agreement that you had with Hunter Biden called for
16 you to disclose to Hunter Biden who the purchases -- who the purchasers of his art were,
17 correct?

18 A Correct.

19 Q Okay. And it wasn't until September of 2021, you did the second
20 agreement with Mr. Biden.

21 A Correct.

22 Q And in the second agreement, which we've marked as an exhibit, exhibit
23 number 3 --

24 Mr. Bishop. Two.

25 BY MR. [REDACTED]

1 Q Exhibit number 2 -- my bad -- the provision that was added, and correct me if
2 I'm wrong, was the gallery will not disclose the name of any buyers of artist's artwork to
3 artist or any agent of artist, correct?

4 A Correct.

5 Q Now is that one last sentence, is that the whole, is that the protection? Is
6 that the one provision that prevents Hunter Biden from knowing who's buying his art?

7 A Repeat that again. I'm sorry.

8 Q Is that one sentence, is that the deal? Is that sort of the arrangement that
9 protects Hunter Biden and the White House from knowing who's buying his art?

10 A Yeah.

11 Q Okay. So there's no separate, elaborate agreement conforming to high,
12 you know, industry standards or high ethical standards? There's no other White
13 House-involved agreement, correct?

14 A Correct.

15 Q So when anyone's talking about the agreement to keep Hunter Biden from
16 knowing who's buying his art and with the White House's representatives from the
17 podium several times --

18 A Right.

19 Q -- what they're referring to in total is this one sentence, correct?

20 Mr. Pittard. He didn't know who what they're referring to, but he can talk about
21 what the contract says.

22 BY MR. [REDACTED]

23 Q But to the extent there's an arrangement or an agreement between Hunter
24 Biden and your gallery that protects the identification of the buyers from Mr. Biden, this
25 is it, right? This is, like, we're not missing anything?

1 A Right.

2 Q Okay. And maybe you said this a minute ago, and I apologize if I missed it.
3 But what was the impetus to redo the agreement? You initially had an agreement in
4 2020, correct?

5 A Right.

6 Q And then you had a second one dated September 1st, 2021.

7 A It was initiated by Hunter.

8 Q Okay. And do you remember how he initiated that?

9 A I don't. I think it was --

10 Mr. Pittard. If you remember, tell him.

11 Mr. Berges. I don't know.

12 Mr. Pittard. If you don't remember --

13 Mr. Berges. I don't.

14 Mr. [REDACTED] Okay.

15 Mr. Pittard. -- don't speculate.

16 Mr. [REDACTED] Did he call you on the phone? Did he text you?

17 Mr. Berges. I don't remember exactly.

18 Mr. [REDACTED] And then there's --

19 Mr. Bishop. Do you remember generally?

20 Mr. Berges. It was, what, 3, 2, 3 years ago? How --

21 Mr. Pittard. Hold on. The Congressman asked: Do you remember --

22 Mr. Berges. I don't.

23 Mr. Pittard. -- generally.

24 Mr. Berges. I don't.

25 Mr. Pittard. He doesn't want excuses. He wants, yes, sir, I remember, or, no, I

1 don't remember.

2 Mr. Berges. I don't remember.

3 Mr. Bishop. And your answer was I don't remember exactly. I just want to
4 make sure we've exhausted your recollection, even if you don't have a precise memory
5 but you remember something general about it.

6 Do you not remember?

7 Mr. Berges. It was an ongoing conversation. So it just --

8 Mr. Bishop. What do you mean it was an ongoing conversation?

9 Mr. Berges. No, I mean, it's -- you know what? I don't remember. I don't
10 want to get into -- I don't want to make declarative statements if I can't actually do so.

11 BY MR. [REDACTED]

12 Q Let me ask it this way. What do you remember about it? Anything?

13 A I just remember that he said we should redo the contract. We -- paper
14 it -- paper over what we were doing --

15 Q Okay.

16 A -- to reflect the new contract, because of the -- what we were doing wasn't
17 reflecting the contract itself. I wasn't sharing with him.

18 Q Okay.

19 A So --

20 Q Was there a change in the commissions in this one? I think earlier --

21 A I think there was. It was -- it was, yes, there was. I think he -- I don't
22 know if -- there was, like, a 5 percent difference I think he -- in his favor, I think.
23 Don't -- I'm not sure.

24 Q Okay.

25 A But it was something like that.

- 1 Q So in the new agreement, he gets more money. You get less commission.
- 2 A I think so. I -- so the best of my knowledge right now.
- 3 Q Now did have you a lawyer send this agreement to him?
- 4 A Yes.
- 5 Q Okay. So your lawyer, the lawyer for the gallery?
- 6 A Yeah.
- 7 Q And this is -- was this a standard artist gallery contract that you would use?
- 8 A Pretty much, yeah, except for the changes that were requested.
- 9 Q Okay. So to the best of your recollection, you think your lawyer sent it to
10 Hunter Biden directly or Hunter Biden's lawyer?
- 11 Mr. Pittard. If you know.
- 12 Mr. Berges. I think I sent -- my lawyer sent it to me and I sent it to Hunter Biden.
- 13 BY MR. [REDACTED]
- 14 Q Okay. And the handwritten changes on here, that's Hunter Biden, right?
- 15 A Um, let me see. I don't -- I think so. It looks -- yeah, yeah, pretty sure that
16 it is.
- 17 Q I mean, he initialed it.
- 18 A Yeah, and I did, too, so yeah, yeah.
- 19 Q To the best of your recollection, was that exchange you and him, or was it
20 your lawyer and his lawyer?
- 21 A It was me and him. I was at his house.
- 22 Q Oh, okay. So and this happened --
- 23 A We were in front of each other.
- 24 Q Okay. At his house in the --
- 25 A Malibu.

1 Q -- Hollywood Hills? Or Malibu.

2 A Yeah.

3 Q So you're in Mal -- so did you fly to Malibu specifically for this?

4 A No, I think I -- because I have other artists there.

5 Q Okay.

6 A So I don't know if I went to look at my other artists and I wanted to kind of
7 get this done but I don't recall exactly if it was --

8 Mr. Pittard. George, when [REDACTED] started at the beginning --

9 Mr. Berges. Yeah.

10 Mr. Pittard. Right?

11 Mr. Berges. Yeah.

12 Mr. Pittard. He said he doesn't want you to speculate.

13 Mr. Berges. Okay. Yeah --

14 Mr. Pittard. He doesn't want you to guess.

15 Mr. Berges. I'm not -- well, I'm telling --

16 Mr. Pittard. If you don't know, right? I mean, they want to know the answers.

17 Mr. Berges. Right.

18 Mr. Pittard. They don't want you to, like, speculate and say, oh, you know what
19 makes sense is maybe like I --

20 Mr. Berges. Well, I don't remember so why I went.

21 Mr. [REDACTED] We don't want you to speculate, but if you had a foggy recollection,
22 all right, we would like as much of that recollection as possible for a complete record.

23 Mr. Berges. All right. Well, I'll try not to give you foggy recollections but I -- so,
24 yes. So this is --

25 Mr. Bishop. Quite the opposite and this is a serious point. If you have a

1 general or somewhat formative recollection but you don't remember every single detail,
2 you must still tell the part that you do remember. You understand that.

3 Mr. Berges. Okay, yes.

4 Mr. Pittard. As long you know it to be accurate.

5 Mr. Berges. Right. Okay. I got it. I got it.

6 Mr. Bishop. Was this document number two that has some semblance of a
7 letterhead --

8 Mr. Berges. Yeah.

9 Mr. Bishop. -- from your gallery --

10 Mr. Berges. Yeah.

11 Mr. Bishop. -- was that document word processed on your lawyer's equipment or
12 on yours?

13 Mr. Pittard. If you know.

14 Mr. Berges. I don't know.

15 Mr. Bishop. How did it get on your letterhead? Do you know that?

16 Mr. Berges. He would have my letterhead. He's been my lawyer for 10 years.

17 Mr. Bishop. So he has your letterhead. You're confident of that.

18 Mr. Berges. He would.

19 BY MR. [REDACTED]

20 Q Do you know how that document, this document became public?

21 A I don't.

22 Q So we've discussed how certain buyers did become known to Mr. Biden.

23 One of them was Elizabeth Naftali, correct?

24 A Correct.

25 Q Additionally, Kevin Morris has been reported to have bought Hunter Biden's

1 artwork.

2 A Correct.

3 Q Do you -- do you know Kevin Morris?

4 A Yes.

5 Q How do you know Kevin Morris?

6 A I met him a few years ago after Hunter.

7 Q Where did you meet him?

8 A I think I went over to his house. I was when -- with Hunter once the first
9 time.

10 Q That's in California, as well?

11 A Correct.

12 Q Had you sold art to Mr. Morris before?

13 A No.

14 Q And did you meet Mr. Morris through Lanette Phillips?

15 A I knew she knew him, but I didn't -- I don't remember. I don't think it was
16 through her. I think it was Hunter who took me over once.

17 Q In the letter that you provided today, it shows that \$875,000 worth of
18 Hunter Biden's artwork was purchased by an entity controlled by Kevin Morris. Is that
19 correct?

20 A Correct.

21 Q And that was on January 19th, 2023. Is that correct?

22 A January 19th. Correct.

23 Q And the entity is called Kuliaky Art, LLC. Is that correct?

24 A Correct.

25 Q Did Mr. Morris come into the gallery to purchase these?

1 A No, we just negotiated. He had seen some of the pieces himself and also
2 from the exhibition that we did. But so these were -- this was negotiated over a phone,
3 not him coming to the gallery, yeah.

4 Q And so Mr. Morris had attended a Hunter Biden art exhibition?

5 A Correct.

6 Q When was that?

1 [11:23 a.m.]

2 BY MR. [REDACTED]

3 Q When was that?

4 A It was -- the first one was the October after the -- the year after the election.

5 So what year did his dad get elected? It was whatever. I think '20, '21.

6 Q So it would be October of 2021?

7 A Okay. Then that's when it is.

8 Q Did Ms. Phillips attend that?

9 A She attended -- yes, she did. I believe so.

10 Q And that exhibition, I think you described it as open to friends and family.

11 Is that correct?

12 A Correct.

13 Q Who had input into who would attend that exhibition?

14 A Well, the artist, me, Kevin, friends, you know, his family -- friends and family
15 inviting friends and family.

16 Q So Kevin Morris was making suggestions about who would attend that as
17 well?

18 A I believe so. Everybody who was involved was inviting their friends and
19 family.

20 Q Who -- can you think of anybody else who was involved in making that list?

21 A No --

22 Mr. Pittard. This is the list -- to be clear, this is the list of the invitees to the art
23 show in Los Angeles?

24 BY MR. [REDACTED]

25 Q Yes.

1 A Now, what would happen, I would send in my guest list, and that's it. And
2 so I don't know who was inviting who or what. I didn't know half the people, especially
3 in L.A., because my home base is New York, and so I just -- it was not that many people
4 that I invited for that. But I did put it together.

5 Q So, October of 2021, you've already signed the agreement with Hunter Biden
6 to keep the purchasers unknown from him, and you didn't really know who was going to
7 be showing up at the art exhibitions?

8 A So the one --

9 Mr. Pittard. Could we --

10 Mr. Berges. So, the one in L.A., nothing was for sale. It was just to show his art.
11 There was no sale. The goal with that was just to kind of debut his art in his home base
12 because he's from L.A. So this exhibition was going to be in New York. So, prior to
13 sending all the work to New York, we said, "Hey, let's do a 1-day exhibition to show all his
14 friends his art, present it in a very -- in a proper way because most of them maybe don't
15 want to go to New York." So it was purely a 1-day thing.

16 And then -- so that was the friends and family kind of thing.

17 BY MR. [REDACTED]

18 Q Did Ms. Naftali attend that?

19 A I don't think she did.

20 Q Okay. Has she ever attended a Hunter Biden art exhibition?

21 A She attended the last one, so -- which was last December.

22 Q Okay.

23 A Not this one, the year -- a year ago.

24 Ms. Forrest. '22?

25 Mr. Berges. '22.

1 BY MR. [REDACTED]

2 Q And both Ms. Naftali and Mr. Morris have purchased the art, correct?

3 A Correct.

4 Q William Jacques, did he ever attend a Hunter Biden art exhibition?

5 A He did. Bill "Jakes," yes. He would appreciate that that you did the extra
6 effort.

7 Q The other buyers on this list, Buyer A through G on the list that your lawyer
8 provided today --

9 A Uh-huh.

10 Q -- did any of those people attend Hunter Biden art exhibitions?

11 A I think one or two. One maybe, yeah, but -- one maybe. I don't
12 remember, to be honest with you, all of the buyers. A lot of them are existing
13 collectors. The majority of all of them are existing collectors.

14 BY MR. [REDACTED]

15 Q When I go through your totals of the art that's sold, the totals that I add up is
16 over \$1.5 million. Does that sound about right for Hunter Biden's art? I don't expect
17 you to pull out a calculator, but --

18 A If you say so.

19 Q And, of that, \$875,000 is sold to Kevin Morris, correct?

20 A That's correct.

21 Q And so Hunter Biden knows Kevin Morris, right?

22 A Correct.

23 Q And he knows that Kevin Morris was a buyer of his art, right?

24 A I would assume so.

25 Q And then, if you go to Elizabeth Naftali --

1 Mr. Goldman. Do you know that he knows?

2 Mr. Berges. I don't know.

3 BY MR. [REDACTED]

4 Q You don't know that Kevin Morris has put his art in his house, and Hunter
5 Biden has gone to Kevin Morris' house, and this has been reported on? You don't know
6 that?

7 A He did have a piece of his in his house, but I think it was almost like -- it
8 wasn't one that I sold. It was kind of like, you know -- because he has so much art.

9 Q Well, did you take any extra steps, precautionary steps to ensure that Hunter
10 Biden wouldn't know that Kevin Morris was one of the purchasers of the art?

11 A If he knew, it wasn't because of me. I would have never told him, you
12 know, like -- so, if they know, it's because they know but not because of me.

13 Q But Kevin Morris is -- allegedly is a lawyer, very close friends. He's
14 purchasing \$875,000 worth --

15 A Which is why I said I assume.

16 Mr. Pittard. Well, listen to his question.

17 Mr. Berges. Okay.

18 BY MR. [REDACTED]

19 Q It's fair to assume there's going to be an issue when Kevin Morris buys that
20 art that Hunter Biden is likely going to find out about it, correct?

21 A Correct -- well, you know, he -- so I'm sorry. I'm trying to
22 recollect -- remember everything. I think he -- he -- he would -- he did know. He did
23 know.

24 Q Who's he?

25 A Hunter did know because of -- because he did know because instead of -- he

1 did know because I think it went against his payment against the debt that he owed
2 Hunter -- that Hunter owed him. So they had -- he had to have known who it was, yes.
3 So he did know.

4 Q We can come back to the debt issue in a minute.

5 A Okay.

6 Q But then Naftali -- Elizabeth Naftali also purchases approximately, from what
7 I can tell -- 42,000 -- \$94,000 in art. Is that correct?

8 A Correct.

9 Q From Hunter Biden?

10 And Hunter Biden eventually finds out that Elizabeth Naftali has purchased his art,
11 through media reportings at the very least, correct?

12 A Correct.

13 Q Because you know about it, right?

14 A Right.

15 Q And did Hunter Biden know that your other gallerist at your -- I forget if you
16 stated it was your partner at the gallerist or your business partner, whatever it may be --

17 A Right.

18 Q Bill --

19 A Jacques.

20 Q Jacques?

21 A Yes.

22 Q Did Hunter Biden know that he purchased art?

23 A I don't know.

24 Q But it's possible?

25 A Possible.

1 Q Based upon my math, just the Kevin Morris and the Elizabeth Naftali
2 purchases total 64 percent of the total money that has been spent on Hunter Biden's art?

3 A Okay.

4 Q So we can say -- and if you add in Bill Jacques, it's approximately 70 percent.
5 So, despite this agreement that's been set up, 70 percent of the art that's been
6 purchased, Hunter Biden knows the buyer, based upon my calculations.

7 So my question to you is --

8 A By the way, Bill Jacques -- he did know about Bill Jacques because he went to
9 his house once, and I saw one of his pieces, yeah. So correct.

10 Q So you can confirm that Hunter Biden is aware of 70 percent of the buyers of
11 the art -- of the purchase, total purchase price?

12 Mr. Pittard. We haven't done the math, but I think -- but, [REDACTED] if you could -- I
13 hear you. All right. And we're not arguing the facts. Right? But we're also not
14 trying to get into an argument where you present it in the most argumentative way.
15 Does he know -- I don't know what the math is, but you can ask him if he knows, and you
16 have, you know. Does George know --

17 Mr. [REDACTED] I'll withdraw that question, and I'll make a statement, and then
18 I'll get to my question.

19 Mr. Pittard. Fair enough.

20 BY MR. [REDACTED]

21 Q Based upon my calculation, it appears that 70 percent of the art that was
22 purchased, the value of it, the moneywise, Hunter Biden was aware of the buyer. So my
23 question to you is I've read exhibit 2. I don't see any safeguards in there what to do if
24 Hunter Biden finds out about the buyer.

25 Was there any discussion of "we'll refund the money, or we'll report it to the

1 White House, or we'll report it to our lawyers"? Because there has to be a world where
2 you envision that Hunter Biden is going to find out about the buyer. But the contract
3 itself provides absolutely no teeth for what happens when Hunter Biden finds out about
4 the buyer.

5 Do you see what I'm saying?

6 A Uh-huh.

7 Q So was there any discussion with the White House, with Hunter Biden about
8 what would be done? Would there be a refund of the money? Like how would that
9 work? Otherwise, this agreement is completely toothless. And so how -- what was
10 built in there to prevent this type of Hunter Biden finding out about the buyer?

11 Mr. [REDACTED] Sorry. That was a long question. Just to make sure I
12 understand, we're talking about the contract that was leaked between Mr. Berges and
13 Hunter Biden?

14 Mr. [REDACTED] The latter contract.

15 Mr. [REDACTED] Between Mr. Berges and Hunter Biden, correct?

16 Mr. [REDACTED] Correct, that Hunter Biden or someone -- someone at the White
17 House. That's the contract that I understand the White House is talking about, based
18 upon the timing of it.

19 Ms. Stansbury. I have a question.

20 Mr. [REDACTED] Go ahead.

21 Ms. Stansbury. You're asking a clarifying question about his contractual
22 arrangement with his client, but your question is alluding to activities that were not
23 subject to that contract, whether or not buyers who are not bound by that contract made
24 it known that they were buying pieces of art.

25 Mr. [REDACTED] I'm asking, what are the ramifications if Hunter Biden found out

1 who one of the buyers was? So it could be a refund to the buyers so the money goes
2 back so that way they're all abiding by their ethical --

3 Mr. Goldman. -- the ramifications of a breach of this contract?

4 Mr. [REDACTED] Yes.

5 Mr. Goldman. Okay. Because the contract only restricts --

6 Ms. Stansbury. Yeah.

7 Mr. Goldman. -- Mr. Berges from telling the names.

8 Ms. Stansbury. Correct, yeah.

9 Mr. Goldman. It doesn't restrict Hunter Biden from learning the name.

10 Mr. [REDACTED] The whole point of this, the White House's statement, is that this
11 would be a non --

12 Mr. Goldman. I'm talking about the contract and breach of contract. Focus on
13 the contract, whether there's a breach of contract, if there are any damages if there's a
14 breach of contract.

15 Ms. Stansbury. Yeah, the question is not subject to the contract.

16 Mr. [REDACTED] All right. We'll ask the question. He can answer it if he wants to,
17 and his lawyer can object if his lawyer doesn't like the form of the question.

18 BY MR. [REDACTED]

19 Q Did this contract that you and Hunter Biden laid out provide any
20 ramifications if Hunter Biden were to find out about the buyer of the art?

21 Mr. Pittard. [REDACTED] which contract? Can we get --

22 Mr. [REDACTED] Exhibit 2.

23 Mr. Pittard. Which is tab what?

24 Mr. Berges. Q.

25 Mr. Pittard. Got it. Okay. So this contract, the second contract, the one

1 September 1, 2021. And your question about that contract is --

2 Mr. [REDACTED] Were there any ramifications if Hunter Biden were to find out the
3 buyer of any of his pieces of art that are laid out in this contract?

4 Ms. Forrest. Are you asking if he finds out from anyone or if he finds out from
5 Mr. Berges?

6 Mr. [REDACTED] From anyone.

7 Mr. Berges. Well, no, as --

8 Ms. Ocasio-Cortez. Just to clarify. Just to clarify, Hunter Biden finding out the
9 buyer in general does not constitute a breach of this contract, correct?

10 Mr. Berges. Correct.

11 Ms. Ocasio-Cortez. If you were to disclose specifically that buyer, that would
12 constitute a breach of the contract?

13 Mr. Berges. Correct. And he could end the contract for it.

14 Ms. Ocasio-Cortez. So, in this specific -- White House ethics questions aside. In
15 this specific contract between two private parties, yourself and Hunter Biden, the
16 breach -- any breach of contract with respect to you you would not need a ramification
17 for Hunter Biden finding this out in general because that is not outlined in the contract?

18 Mr. Berges. Correct.

19 Ms. Ocasio-Cortez. Correct?

20 Mr. Berges. Correct.

21 Ms. Ocasio-Cortez. Thank you.

22 Mr. [REDACTED] And I think our time's up, so we'll take a break.

23 Mr. [REDACTED] Off the record.

24 [Recess.]

25 Ms. [REDACTED] We can go back on the record.

1 I believe --

2 Ms. [REDACTED] We're back on the record. It's 11:54 in the morning.

3 We're actually going to turn it over to Ms. Stansbury to ask an opening line of
4 questions.

5 Ms. Stansbury. Well, good morning. Thank you, Mr. Berges, for coming in.

6 I want to ask a few clarifying questions about what is common practice in the art
7 world and how that may have translated into your relationship with Mr. Biden and the
8 various collectors who were collecting his work.

9 So, remind us again, how long have you been working as a gallerist and working in
10 the art world?

11 Mr. Berges. 10 years I've had a gallery and art world maybe 16, 17 years.

12 Ms. Stansbury. And have you worked with other new and emerging artists.

13 Mr. Berges. Yes, I have.

14 Ms. Stansbury. And is it common as artists are getting going in their art career
15 for a gallerist to work with them to develop out a collection and a voice and then to help
16 them get their work ready for gallery showings and to make it commercially viable.

17 Mr. Berges. It's required.

18 Ms. Stansbury. Right, exactly.

19 And so would you say that is what characterized your relationship with Mr. Biden
20 as he was getting his art feet under him?

21 Mr. Berges. Correct, yeah.

22 Ms. Stansbury. So the relationship you were describing that began in 2019 that
23 led up to these gallery showings was really about you as a gallerist helping to prepare Mr.
24 Biden and his work for public showing.

25 Mr. Berges. It's what I do with all my artists.

1 Ms. Stansbury. Right. So it's that kind of cultivation --

2 Mr. Berges. Right.

3 Ms. Stansbury. -- and development.

4 And so, when artists are first beginning -- and I think is it fair to say that Mr. Biden
5 is a beginning artist in his career?

6 Mr. Berges. That's correct.

7 Ms. Stansbury. Yes. So he's untrained. He's just getting going.

8 Is it common for friends and family and associates to buy new artists' work?

9 Mr. Berges. That's who you depend on initially.

10 Ms. Stansbury. Exactly. Right.

11 Mr. Berges. Okay.

12 Ms. Stansbury. So, initially, it's folks that are already in your orbit, in your world
13 that are buying your art because they want to see you succeed, right.

14 Mr. Berges. Correct.

15 Ms. Stansbury. Thank you, Mr. Berges.

16 I'll turn it back to counsel.

17 Ms. [REDACTED] All right.

18 Mr. Goldman. Excuse me. Counsel, could I ask just one quick line of
19 questioning --

20 Ms. [REDACTED] Sure.

21 Mr. Goldman. -- before we get going?

22 I just -- I want to focus in just on this list for a second of all of the pieces of art, Mr.
23 Berges, of Hunter Biden's that you sold.

24 Mr. Berges. Right.

25 Mr. Goldman. So there are 10 total buyers --

1 Mr. Berges. Uh-huh.

2 Mr. Goldman. -- seven of whom are anonymous?

3 Mr. Berges. Correct.

4 Mr. Goldman. And they're anonymous because you're trying to protect their
5 identity from public scrutiny because most, if not all, are regular buyers of yours.

6 Mr. Berges. Correct.

7 Mr. Goldman. Okay. And so these are experienced buyers in the art world?

8 So let's just focus on A through G, the anonymous buyers.

9 Mr. Berges. For the most part.

10 Mr. Goldman. Buyer A you said had bought 23 --

11 Mr. Berges. Paintings.

12 Mr. Goldman. -- paintings from you?

13 Mr. Berges. Correct.

14 Mr. Goldman. So they're pretty knowledgeable about the art world.

15 Mr. Berges. Right.

16 Mr. Goldman. They're not dependent on you alone to tell them what is valuable
17 and what is not.

18 Mr. Berges. Correct. And also my experience and the experience I've had of
19 how -- what happens to artists when I start representing them.

20 Mr. Goldman. Right.

21 Mr. Berges. So --

22 Mr. Goldman. Because they -- because the artists become more successful and
23 they become more valuable.

24 Mr. Berges. Right. I get them into museums. I get them into Venice Biennale,
25 which I'm doing this year. And I get artists shorted-listed for the MoMA.

1 So, when an artist gets a gallery representation, generally people start buying the
2 work because generally a gallery that's responsible will try to get them into institutions
3 that then perpetuate the legacy of the artist far after they're dead. So that's the
4 importance of the museum acquisitions.

5 And so, yes, she, like the first one, is very experienced but also experienced
6 enough to know that my style of working is very advantageous for the artist. And, even
7 from a commercial level, you would want to buy them just because they're working with
8 me.

9 Mr. Goldman. And the only way that you're able to get access to all of that and
10 to have that reputation is because you've built up credibility over time, right.

11 Mr. Berges. Correct.

12 Mr. Goldman. So that people are not just taking it on faith that you actually have
13 a track record to show that you add value, that you can get people in, and that the shows
14 that you get them into or the exhibitions benefit also from having your artists.

15 Mr. Berges. Correct.

16 Mr. Goldman. I just want to point you to a couple of sales here. Buyer B on
17 June 23, 2021, purchased a piece, "Untitled #1," for \$75,000.

18 Do you see that?

19 Mr. Berges. Yes.

20 Mr. Goldman. And then, two lines down, Buyer C bought another piece for
21 \$50,000. Is that right.

22 Mr. Berges. Correct.

23 Mr. Goldman. And then, a couple lines further down, Buyer D bought one for
24 85,000.

25 Mr. Berges. Correct.

1 Mr. Goldman. Is that correct?

2 The -- based on this sheet -- and we don't have Mr. Morris' purchases -- purchase
3 prices listed out here, but is it accurate that the \$85,000 purchased by Buyer D and the
4 \$75,000 purchase by Buyer B are the two most expensive pieces of art that were sold to
5 any buyer of Hunter Biden's artwork that is listed out here. Is that correct?

6 Mr. Berges. That's correct.

7 Ms. Stansbury. May I ask one followup that relates to this?

8 So, just, you know, looking at the actual purchase list here and going back to both
9 the questions that myself and Mr. Goldman were asking, so, as an artist is evolving,
10 initially friends, family, associates, and in this case it looks like your business partner, Mr.
11 "Jacques" --

12 Mr. Goldman. "Jacques."

13 Ms. Stansbury. Jacques. I'm sorry. -- were initially supporting Mr. Biden. Is
14 that correct?

15 Mr. Berges. Correct.

16 Ms. Stansbury. And then, if you look at kind of the evolution of buying over time
17 of 6 months after his first show into the next year, we started getting more prominent or
18 well-known collectors starting to collect his work. Is that correct.

19 Mr. Berges. Correct.

20 Ms. Stansbury. Is that normal for a new artist to -- for their art to progress in
21 that manner in the gallery world.

22 Mr. Berges. That's what we hope how it progresses.

23 Ms. Stansbury. Excellent. Thank you very much.

24 Mr. Goldman. Then the last thing I just want to add is those 75 -- that \$75,000
25 purchase, the \$50,000 purchase by Buyer C, the \$85,000 purchase by Buyer D, among a

1 number of other purchases that were in the tens of thousands listed here, those all
2 predated any art purchased by Kevin Morris. Is that correct?

3 Mr. Berges. That's correct.

4 Mr. Goldman. So all of these other buyers, A, B, C, and D, who purchased in total
5 it looks like eight different pieces of art, all did so prior to Kevin Morris purchasing any
6 piece of art and, as we just discussed, at the highest sale prices of any piece of art that
7 Hunter Biden sold to that point.

8 Mr. Berges. Correct.

9 Mr. Goldman. Thanks.

10 Ms. [REDACTED] Are you finished?

11 Mr. Goldman. Yes. Thank you.

12 EXAMINATION

13 BY MS. [REDACTED]

14 Q Hello, Mr. Berges. Thank you so much for being here with us today.

15 Again, my name is [REDACTED] [REDACTED] and I'm an oversight counsel with the House Judiciary
16 Committee minority staff.

17 Some of my questions may touch on issues you've already discussed, so I'll be as
18 succinct as possible. But, if I ask you to repeat something, it's just to make sure we have
19 a clear record.

20 A Okay.

21 Q Thank you for your patience. And, if any of my questions are unclear,
22 please just let me know and I can rephrase or explain.

23 So, if we could pull out exhibit 1, the list of sales of Hunter Biden's art.

24 So, looking at the top of this list, Buyer A purchased an untitled piece, 2020 on
25 December 11, 2020, for \$13,000.

1 Did you disclose the name of that buyer to Hunter Biden at any point?

2 A No.

3 Q Okay. On the second line, William "Jacques" --

4 A "Jacques."

5 Q Jacques, I apologize. -- purchased an untitled painting, 2020 on
6 December 11, 2020, for \$40,000.

7 Did you disclose to Hunter Biden that it was William Jacques --

8 A I did not.

9 Q -- who purchased that painting?

10 The third line, William Jacques purchased a piece, "St. Thomas, 2020," on
11 February 12, 2021, for \$25,000.

12 Did you disclose to Hunter Biden that William Jacques had purchased that painting
13 at any point?

14 A I did not.

15 Q On the fourth line, William Jacques purchased another painting, "St. Patrick,
16 2020," on February 12, 2021, for \$25,000.

17 Did you disclose to Hunter Biden at any point that William Jacques had purchased
18 that painting?

19 A I did not.

20 Q The fifth line, Elizabeth Naftali purchased a painting titled "Mother and
21 Daughter, 2020," on February 17, 2021, for \$42,000.

22 Did you disclose that Ms. Naftali had purchased that painting to Hunter Biden at
23 any point?

24 A I did not.

25 Q The next line down, Buyer B purchased an "Untitled #1 painting, 2020," on

1 June 23, 2021, for \$75,000.

2 Did you at any point disclose who Buyer B was to Hunter Biden?

3 A I did not.

4 Q The next line down, Buyer A purchased "Untitled #8, 2020," on July 31, 2021,
5 for \$15,000.

6 At any point did you disclose who that buyer was to Hunter Biden?

7 A I did not.

8 Q The next line down, Buyer C purchased "Untitled on YUPO #5, 2020," on
9 October 26, 2021, for \$50,000.

10 Did you at any point disclose who Buyer C was to Hunter Biden?

11 A I did not.

12 Q Next line down, Buyer A purchased "Untitled on YUPO #55, 2020," on
13 November 11, 2021, for \$32,000.

14 Did you at any point disclose who Buyer A was to Hunter Biden?

15 A I did not.

16 Q The next line down, William Jacques purchased "Untitled on YUPO #43" on
17 November 17, 2021, for \$32,500.

18 Did you at any point disclose to Hunter Biden that William Jacques purchased that
19 painting?

20 A I did not.

21 Q Next line down, Buyer D purchased "Untitled (Tree Series) Red" on July 14,
22 2022, for \$85,000.

23 At any point did you disclose who Buyer D was and that they had purchased that
24 painting from Hunter Biden?

25 A I did not.

1 Ms. [REDACTED] Ms. [REDACTED] --

2 Ms. [REDACTED] Yes.

3 Ms. [REDACTED] -- just for one second.

4 Just to expedite things, the rest of the sales listed on this document that your
5 counsel provided, you did not disclose the identities of any of those buyers?

6 Mr. Berges. I've never disclosed any of the identities of buyers to --

7 Ms. [REDACTED] To Hunter Biden?

8 Mr. Berges. No.

9 Ms. [REDACTED] Thank you.

10 BY MS. [REDACTED]

11 Q So we'll turn back. You were asked a lot of questions in the previous hour
12 about your initial contact with Hunter -- contract with Hunter Biden and then the
13 September 2021 contract with Hunter Biden.

14 A Uh-huh.

15 Q Do you recall that discussion?

16 A Yes.

17 Q So the first contract required you to disclose the identity of the buyers to
18 Hunter Biden. Is that correct?

19 A Correct.

20 Q Did you actually disclose any of the identities of buyers to Hunter Biden?

21 A I did not.

22 Q Did Hunter Biden pressure you to disclose the buyers?

23 A Never did.

24 Q Never did.

25 Did he ever push the issue in any way to you to disclose those buyers to him?

1 A Absolutely not.

2 Q And, when you executed the contract in September 2021, the new provision
3 that you said Hunter Biden pushed for was that you would not be able to disclose those
4 buyers to him. Is that correct?

5 A That's correct, just papering over what was already -- what we were doing
6 anyways.

7 Q So all that was, was a memorialization of your conduct that you had been
8 engaged in with Hunter Biden of not disclosing who those buyers were, correct?

9 A Correct.

10 Q So nothing substantively changed other than a small change in the
11 commission rate. Is that correct?

12 A Correct. And I'm not even too sure about the commission rate.

13 Q Okay.

14 A But yes, yes.

15 Q But nothing about how you would handle the buyers or their identities or
16 contacting Hunter Biden changed?

17 A We just formalized what was already --

18 Q Just formalized?

19 A Yes.

20 Q So there was never a point where someone would come in and buy a Hunter
21 Biden painting and you would pick up the phone and call him and let him know who had
22 purchased something?

23 A I never did that.

24 Q Never. Okay.

25 BY MS. [REDACTED]

1 Q I have a couple of specific questions for you on the commission rates in your
2 contract.

3 A Okay.

4 Q So, exhibit 2, which is the contract that we have just been discussing --

5 A Okay.

6 Q -- if you go to paragraph 3, entitled "Commissions."

7 A Okay.

8 Q So it says, "Gallery shall receive a commission of 40 percent of any and all
9 sales."

10 A Correct.

11 Q Is it standard to include a contract term outlining commission rates in
12 contracts with artists?

13 A Yes.

14 Q Is the 40 percent commission rate that you offered to Hunter Biden within
15 the range of a standard commission rate you would offer to an artist represented by your
16 gallery?

17 A Yes.

18 Q Is that commission rate offered to Hunter Biden in the range of what would
19 be industry standard for what would be offered by a gallery to an artist?

20 A It's exactly industry standards.

21 Q So I would like to move to paragraph 4, titled "Prices/Buyers."

22 A Okay.

23 Q It says, "Galleries shall set all sales prices based on its best professional
24 judgment, and the gallery shall not be required to sell any work at a price it deems
25 inconsistent with a good-faith, reasonable assessment of its value in the market."

1 Is that correct?

2 A Correct.

3 Q The first part of this term states, "Gallery shall set all prices based on its best
4 professional judgment."

5 According to this term, you, as the owner of the gallery, are responsible for setting
6 prices, right?

7 A Correct.

8 Q Is that clause in line with the typical clause you would include in a contract
9 with an artist?

10 A It is.

11 Q And is a clause like that that the gallerist sets the prices standard in the
12 industry?

13 A It is.

14 Q So is it fair to say that your artists are not typically responsible for setting the
15 price of their own art?

16 A They're not.

17 Q So, under the terms of this contract, was Hunter Biden responsible for
18 setting the terms -- for setting the price of his art?

19 A It was me, only me.

20 Q So the second part of that sentence states that the gallery sets prices based
21 on its best professional judgment.

22 A Uh-huh.

23 Q Does that mean you as the gallerist, your best professional judgment?

24 A Correct.

25 Q And you said you had been in the art world for 17 years, approximately?

1 A Yes.

2 Q Is that correct?

3 A Because, remember, when -- if someone -- if I tell you to buy a painting for
4 \$100,000, sure, that's my pro -- I have a responsibility to the artist, but I also have a
5 responsibility to the collector. I'm not going to last in the industry very long if I'm selling
6 pieces for \$100,000 that are not worth \$100,000. Eventually my collectors are going to
7 want me to resell the piece or, you know -- it's a good -- I have a responsibility with the
8 collector as much as I do with the artist.

9 So, when I do make an assessment of pricing, I also take into account that,
10 whichever collector purchases those pieces, I have a responsibility to ensure that the
11 prices are legit, that they're sustainable, or buy them back because I wouldn't want to
12 ruin that relationship. So there's a tension between both of those with what the artist
13 that you want to be aggressive in getting their prices but also a responsibility with the
14 collector that you also -- you know, that you want to keep for the long term. That's why,
15 you know, in the art world, to last, you're supported by all the collectors who -- like the
16 woman, the first collector, that's bought 23 paintings of mine.

17 Q Right.

18 A So had I been selling her overpriced paintings, she wouldn't be coming back
19 and buying paintings over the years. So I'm nurturing those relationships as much as I'm
20 nurturing the ones of the artist too, so --

21 Q So, to make sure I understand, you owe your collectors the responsibility to
22 sell them art at a fair price?

23 A Correct.

24 Q At a price that the market supports?

25 A Correct.

1 Q And you stand by all of the prices that you've sold?

2 A Correct.

3 Q And would you be able to sustain a business as a gallerist if you sold art to
4 collectors at unfair or unsustainable prices?

5 A No one would buy from me.

6 Q So I would like to talk a little bit about your process for setting the price for a
7 piece of art. What factors do you consider?

8 A I mean, it depends. So, if it's an artist that has a history of sales, then I
9 obviously look at the history or auction results, and then I assess the added value that I
10 bring. If it's a new artist like Hunter, I just do it from my experience. There's also his
11 name is important, whether we want to admit it or not. If it's Anthony Quinn or -- I
12 mean, it does play a role. The -- what I -- if I like the art, do I think that it's going to be
13 sustainable from my professional experience? And then what I do I generally put a price
14 out that I think is fair, is not aggressive. I know there's been media reports of 500,000.
15 I never said that. I think you can see that I never priced anything at 500,000 ever. I
16 never priced anything for 300,000 --

17 Q Right.

18 A -- of Hunter's work. So I put it at a certain price. Then the market
19 eventually dictates. Right? So it eventually -- so this is the intro with a
20 new -- especially with a new artist, I give my professional opinion based on my
21 relationship, based on my belief that we're going to have a long-term relationship with
22 my experience and what I can do for him, the quality of the work, who the artist is.
23 Then I put in a price. And then ultimately the market dictates.

24 So everything that I told you works only for the first two steps. But then, after
25 that, it's the market. It's the art world, it's who's buying it, who's collecting -- are there

1 serious collectors buying his work. There's so much that goes into it.

2 So everything that that paragraph relies on me to do only really works for the first
3 few months. Again, I have been working with him for 4 years. The market sustained a
4 certain level of his prices. At this point, I set it based on sales.

5 Q Let me interrupt you for a second.

6 To go back to some of the factors that you consider when you're setting the
7 price --

8 A Right.

9 Q -- do you consider the aesthetic value of the painting?

10 A Of course, yes.

11 Q And, for Hunter Biden's work, what was your view? What do you think his
12 work offered aesthetically?

13 A I mean, I thought he was a great artist. But, again, to go back to his
14 personal narrative, I loved his story. I love who he was. You know, I like, like I was
15 saying earlier, that Hunter Biden faced -- and I learned this through our relationship of
16 texting each other. He faced a fork in the road like we all do.

17 Q Can you talk a little bit about the art itself? What do you see in Hunter
18 Biden's art?

19 A I see hope. I see perseverance. I see -- to me they're totems of the hero's
20 journey, as Joseph Campbell would call it, this idea that tomorrow is a better day,
21 that -- sometimes when I look at some of his pieces and I'm having a bad day and it's a
22 dark piece and I'm living with it, I look at it and I'm reminded that someone else has felt
23 that way also, that I'm not alone. It's -- there's a feeling of strength in the commonality
24 of the human experience.

25 Q So is it fair to say that his art speaks to you?

1 A Very much so.

2 Q Visually --

3 A Very much so.

4 Q -- speaks to you?

5 A Yeah.

6 Q And do you think his art as art is aesthetically valuable?

7 A I do. I mean, I went into The New York Times and I said, "I think he's going
8 to be one of the most consequential artists in this century," and I'm telling you right
9 now -- I didn't say he's going to be the best artist, but one of the most consequential
10 where people, other artists change the way they produce art, change how they present
11 their art, and that is what makes someone consequential, not the best but consequential.

12 Q So you think Hunter Biden --

13 A And I said this to the world.

14 Q -- is a great artist?

15 A Of course.

16 Q I'm going to repeat that.

17 A Okay.

18 Q So you think Hunter Biden is a great artist?

19 A I think that Hunter Biden is a great artist.

20 Ms. [REDACTED] If I could ask a quick question.

21 When you say "who he was," you don't mean his last name; you mean who he was
22 as an individual?

23 Mr. Berges. As an individual, of course.

24 Ms. [REDACTED] You don't mean who his family is?

25 Mr. Berges. No. No, no, no, no. No, thank you for clarifying. Who he is as a

1 person. And I think -- you know, Rothko said, "A painting isn't a representation of an
2 experience; it is the experience."

3 And he's able, in my view, to convey really important parts of the human
4 experience on canvas, which it can enrich your life. I mean, it can really -- I mean, I
5 always see -- I see art not as a luxury. I see it as a necessity for living.

6 BY MS. [REDACTED]

7 Q You sound very passionate about Mr. Biden's art. Is that accurate?

8 A I'm very passionate about his art.

9 Q So I want to turn back to some of the other factors that you consider. You
10 said that, at the end of the day, the market needs to support the price.

11 A Right.

12 Q Is that correct?

13 A That's correct.

14 Q Is it fair to say you couldn't sell a piece of art at a price that the market
15 doesn't support?

16 A Correct.

17 Q Because no one would buy it, right?

18 A Correct.

19 Q In the art market generally, art sells at a huge range of prices, correct?

20 A Correct.

21 Q And that can be many millions of dollars --

22 A Right.

23 Q -- to something you bought on the street for \$10?

24 A Right. I mean, this is not a very -- this is not exorbitant within the art world.
25 This is actually on par.

1 Q Right. So, if you look at the prices that are listed on --

2 A Right.

3 Q -- Hunter Biden's -- on the letter that you provided --

4 A Right.

5 Q -- in exhibit 1, all of these paintings individually sold for less than \$100,000?

6 A Correct.

7 Q Correct?

8 A Correct.

9 Q Is that on par for an emerging artist?

10 A Yes. I have artists that I sell for more than what I'm selling here for.

11 Q So, in the grand scheme of things, Hunter Biden's art did not sell at
12 exorbitant prices?

13 A Correct.

14 Q And, in fact, sold at prices that is normal and reasonable for an artist of his
15 category of an emerging artist?

16 A Yes. I think they're low, but that's what the market dictates.

17 Q So you think that the prices for Hunter Biden's art are actually low?

18 A Yeah. I think a lot of what is going on has kind of -- it's unfair for him.

19 It -- his name has actually -- I think, had his name been somebody else, he would have
20 been doing a lot better.

21 Q Because the quality --

22 A Because I have artists that I don't think are as good that I'm selling for
23 higher.

24 Q Right. Because the quality of his art -- you're saying that the quality of his
25 art could actually support a higher price?

1 A It could, it could.

2 Q But it doesn't?

3 A But it doesn't. And I have artists that I don't think are as good that are
4 selling for higher than he is. And so it's actually -- I feel bad for him in so many ways
5 because I think he's a great artist, and he just can't get a break.

6 Q So, even the paintings purchased by Mr. Morris, each individual painting was
7 purchased for under \$100,000?

8 A Yeah. I think the average came down to, like, 79,000 --

9 Q Right.

10 A -- per piece.

11 Q And Ms. Naftali also purchased paintings for under \$100,000; two paintings
12 each under 100,000, correct?

13 A Correct.

14 Ms. Stansbury. May I ask a couple of followup questions on this line about
15 pricing?

16 So, just to make sure everyone kind of is on the same page, so looking at the
17 pricing -- you know, when you look at gallery art, we see some pieces here that are
18 13,000, 15,000, 25,000. Would you say that's about average for, like, say, decorative art
19 sold in a gallery?

20 Mr. Berges. Yes.

21 Ms. Stansbury. So, in that sense, Biden is an emerging artist. He's just starting
22 his career. And so these pieces that are selling at these prices are really kind of on par
23 with something that you might buy at a gallery in New York --

24 Mr. Berges. Right.

25 Ms. Stansbury. -- or Santa Fe where I'm from. You know, like this is what kind

1 of beginning decorative artists are selling at. So this is very sort of beginner?

2 Mr. Berges. Right.

3 Ms. Stansbury. And what we hear you saying is that you think that Mr. Biden has
4 the potential to grow as an artist --

5 Mr. Berges. I think he is an artist. I don't think he produces decorative art.

6 Ms. Stansbury. Right. But --

7 Mr. Berges. But, yeah, I think those prices are in line with decorative art --

8 Ms. Stansbury. Right.

9 Mr. Berges. -- which is why I thought it was a little low.

10 Ms. Stansbury. Right. So, if and when his art career ascends to the heights that
11 you're hoping it will --

12 Mr. Berges. Uh-huh.

13 Ms. Stansbury. -- then he would be able to sell art for much higher prices, right.

14 Mr. Berges. Of course, yes.

15 Ms. Stansbury. Right. So the pricing currently is really kind of entry into the
16 market.

17 So the second question I want to ask is about the variation of pricing because we
18 see different buyers buying. Is that based on the factors of the painting itself? Does
19 that have to do with the size, technique?

20 Mr. Berges. It's the size. It's more the size. Some are on YUPO. Some are
21 on canvas. I know, like, for example, there's one that says -- there's a tree. Where is
22 it? 85. That one, that's a very large piece.

23 Ms. Stansbury. Okay.

24 Mr. Berges. So, yeah. The medium -- you know, if it's a small work on paper.
25 I think the \$13,000 one was a YUPO paper.

1 Ms. Stansbury. So, basically, what you're telling us is Mr. Biden has come on to
2 the art scene. You're pricing his work, and you think it can sell.

3 Mr. Berges. Right.

4 Ms. Stansbury. He's sold some pieces. He's growing. His art is evolving.
5 But, you know, this is maybe even below industry standard, and the variation in pricing is
6 based on the pieces themselves?

7 Mr. Berges. Right, right.

8 Ms. Stansbury. Okay. Thank you.

9 Mr. [REDACTED] Just one quick question.
10 You said that you liked Hunter Biden's narrative and how he put that narrative on
11 to --

12 Mr. Berges. Right.

13 Mr. [REDACTED] -- the canvas. Can you tell us a little bit more about what you
14 see of Hunter Biden and his work, what that narrative is that you're talking about?

15 Mr. Berges. I mean, you know, I -- I mean, he's become one of my best friends.
16 And like most of my artists are my friends, but I've become very close with him, and we
17 work -- strictly talk about art. And, when I'm working with someone talking about art,
18 we talk about literature. We talk about philosophy, all these things, because the art is
19 ultimately the byproduct of the human experience, of life lived. And my job is to create
20 the conditions for the artist who produce the best art possible, making my life easier in
21 the process, but also all of the collectors that have bought his work, I have a responsibility
22 to make sure that I'm able to create that condition for him. But I always like the
23 idea -- and I always felt that the biggest injustice with Hunter that was being lost is that
24 his story was really a redemptive story, which I always felt was the American story.

25 And I tell people, you know, this is why we cheer for Rocky. Rocky is not

1 supposed to win, but he wins. And that's to me America. And Hunter is not supposed
2 to win. He should be dead. And he faced a crossroad in his life, which we all do when
3 we're all struggling with things in our lives. And he could have chosen the easy path,
4 which is to keep going and die, or do the hard thing, which is to change.

5 You know, he's been married most of his life, 20-something years. Sure, he got a
6 divorce and as things happen, but what is he doing now? He's not gallivanting around
7 the world, whatever. He's married again. He has a kid. He stays home almost
8 exclusively all this time. I always wonder what kind of job would anyone can imagine
9 that he could do that people would be happy with? I mean, to me, the most benign
10 thing is to live as far away from D.C. as possible and paint. Again, he has to sustain his
11 family. He has to make a living.

12 But also buying the art -- so every artist has in their head this idea that they're not
13 an artist. Even Picasso used to say at his openings he'd go in and he'd feel he was a
14 fraud. The gallerist has -- my job is to quiet that voice. How do I quiet? Museum
15 acquisitions. Well, I start feeling like an artist, so I quiet that voice.

16 Selling the art is less about the money and more about the validation that what
17 you're doing means something. So I need to sell the art to quiet that voice that says,
18 "You know what, I am an artist." So it's not about the money. It's more about the
19 validation in terms of from my perspective in developing artists.

20 So, I mean, for me his story is one of redemption and hope, and I think it's the
21 American story. Whether we like it or not, with addiction, it's the face of America in so
22 many different ways, whether we want to look at it and do we want to disparage that, or
23 do we want to encourage really the idea that you can change, that you can do something
24 different, that some -- like the movie "Rocky," that you're the little guy, that you're not
25 supposed to win, but you're supposed to lose, and yet you win. It's redemptive. And I

1 see it in his art. I think his art is hopeful.

2 So there you go. Ask me if I'm passionate about it. Yeah, I am.

3 BY MS. [REDACTED]

4 Q I just have a couple more questions about pricing.

5 Have you ever spoken to Joe Biden about pricing Hunter's artwork?

6 A Never.

7 Q Have you ever spoken to anyone in the White House about pricing Hunter's
8 artwork?

9 A Never.

10 Q Does President Biden have any role whatsoever in setting the price of
11 Hunter's artwork?

12 A No.

13 Q Did President Biden, the White House, or anyone in the administration
14 contact you about helping you promote or sell Hunter Biden's artwork?

15 A No.

16 Q Have you contacted anyone in the White House or the administration,
17 including President Biden, about promoting or selling Hunter's artwork?

18 A No.

19 Q Do you have any reason to believe that President Biden received any benefit
20 from the purchases of Hunter Biden's artwork that you list on your exhibit?

21 A No.

22 BY MS. [REDACTED]

23 Q I'd like to quickly return to the September 2021 contract, exhibit 2.

24 Paragraph 1 establishes the scope of agency laying out terms that you would represent

25 Mr. Biden exclusively, Hunter Biden exclusively, that you would set up two solo shows for

1 him, and that you would insure the art of his in your gallery.

2 These are fairly typical terms in your contracts with artists you work with, correct?

3 A Correct.

4 Q And you have negotiated similar terms with other artists whose art you've
5 sold, correct?

6 A Correct.

7 Q And these are fairly typical terms in the industry, correct?

8 A Correct.

9 Q Paragraph 2 establishes the contract has a lifespan of 24 months and what
10 would happen upon early termination of the contract, lays out those terms.

11 This is a fairly typical contract term in your industry, correct?

12 A Correct.

13 Q And you've negotiated similar terms with the artists you've worked with,
14 correct?

15 A All my life, yes.

16 Ms. [REDACTED] Great. Thank you.

17 BY MR. [REDACTED]

18 Q Mr. Berges, I would like to turn back to exhibit 3, which is labeled H in the
19 binder that you received. It's a Washington Post article dated July 8, 2021.

20 Do you see that?

21 A Yes.

22 Q I would like you to turn to the second page, please.

23 A Okay.

24 Q And the fourth paragraph down that starts "Andrew Bates."

25 Do you see that?

1 A Yes.

2 Q You discussed this paragraph with my Republican colleagues, and I'll read it
3 to you. It states, "Andrew Bates, the Deputy White House Press Secretary, suggested
4 that the buyer's confidentiality would ensure the process is ethical. Quote, 'the
5 President has established the highest ethical standards of any administration in American
6 history, and his family's commitment to rigorous processes like this is a prime example,'
7 Bates said."

8 Nothing in the language we just read indicates that the White House negotiated
9 an agreement with you or your gallery, correct?

10 A Correct.

11 Q And I would like to have you turn to exhibit 4, please, which was the Vox
12 article that my Republican colleagues distributed.

13 And, if you could turn to page 3, please, and we're going to look at the third
14 paragraph down.

15 Do you see that?

16 A Uh-huh.

17 Q So I'll read this paragraph to you as well. It says, "Hunter, quote, 'has the
18 right to pursue an artistic career, just like any child of a President has the right to pursue a
19 career,' Psaki said on July 9. Quote, 'but all interactions regarding the selling of art and
20 the setting of prices will be handled by a professional gallerist, adhering to the highest
21 industry standards, and any offer out of the normal course would be rejected out of hand,
22 and the gallerist will not share information about buyers or prospective buyers, including
23 their identities, with Hunter Biden or the administration, which provides quite a level of
24 protection and transparency.'"

25 Now, similar to exhibit 3, nothing in the language we just read indicates that the

1 White House has negotiated an agreement with you or your gallery, correct?

2 A Correct.

3 Q And I'm sorry; we're going to jump back to exhibit 3, and that's The
4 Washington Post article. I apologize.

5 Mr. [REDACTED] Just to confirm, it is correct that you never shared information
6 about buyers with Hunter Biden, correct?

7 Mr. Berges. Correct.

8 Mr. Pittard. Well, to be more precise, never shared the identities of buyers with
9 Hunter Biden, right?

10 Mr. Berges. Yes.

11 Mr. Pittard. Thank you.

12 BY MR. [REDACTED]

13 Q And, again, we're going to look at exhibit 3, the first paragraph here, which
14 I'll represent to you is a representation from the journalist stating that the White House
15 helped craft an agreement.

16 A Right.

17 Q I want to be very clear here. Have you ever had any interaction with
18 anyone in the White House regarding the terms of your gallery's representation of Hunter
19 Biden?

20 A I have not.

21 Q Have you ever coordinated with the White House regarding your gallery's
22 representation of Hunter Biden?

23 A I have not.

24 Q Have you disclosed any of the identities of the buyers of Hunter's artwork to
25 anyone working at the White House?

1 A I have not.

2 Q Have you provided any records regarding the sales of Hunter's artwork to
3 anyone in the White House?

4 A I have not.

5 BY MS. [REDACTED]

6 Q In that paragraph that was read to you, that first paragraph of that article
7 that I believe majority counsel pointed out, you don't know what the basis for that
8 statement was, the reporter's statement that the White House helped craft an
9 agreement, correct?

10 A Right, I don't.

11 Q You don't know what the reporter was relying on?

12 A Right. I mean, even saying the price is up to 500,000, that's false as well.
13 So, yeah.

14 Ms. [REDACTED] Thank you.

15 Mr. [REDACTED] And I'll just make one more note for the record. The statement you
16 brought today introduced as exhibit 1, you indicate that you have not spoken to the
17 White House, and I will read paragraph 2. I believe it's on the third page of your
18 statement. It says, "Neither Mr. Berges nor the gallery has had any communications
19 with the White House concerning the sale of Hunter Biden's artwork."

20 Mr. Berges. Correct.

21 BY MS. [REDACTED]

22 Q Mr. Berges, you were asked earlier a series of questions about Mr. Morris
23 and his purchasing of some of Hunter Biden's art. And you were asked if Hunter Biden
24 eventually learned that Mr. Morris had purchased his art.

25 A Uh-huh.

1 Q And your understanding was that -- well, you were asked a question about
2 Hunter Biden viewing a piece of art in Mr. Morris' home, correct?

3 A Uh-huh.

4 Q And, if I understood correctly, you said that the piece of art that was in Mr.
5 Morris' home was not one -- he said Mr. Biden's art was not one that you had sold?

6 A Right.

7 Q It was a piece that he had obtained independently of you?

8 A Yeah, or maybe gifted or sometimes -- you know, he has art in his studio.
9 Friends go, "Hey, can I hang it in my house" --

10 Mr. Pittard. The question was --

11 Ms. [REDACTED] You don't know?

12 Mr. Berges. I don't know.

13 Mr. Pittard. -- did that piece come via the gallery or not?

14 Mr. Berges. It did not come from the gallery.

15 BY MS. [REDACTED]

16 Q So he would not have learned that Mr. Morris had purchased art from you
17 through that painting in Mr. Morris' home?

18 A Correct.

19 Q And Mr. Morris -- I believe you said he has a lot of art, correct?

20 A Yes.

21 Q And he's, in fact, a prolific art collector?

22 A He's bought other artists from -- of my own that I represent as well.

23 Q And you're aware that he buys art from other sources as well?

24 A Right, right. I mean, the first artist he ever bought from me were not
25 Hunter, were other artists.

1 Q And you consider him to be an art collector?

2 A I do.

3 BY MS. [REDACTED]

4 Q You said in the prior hour that he had, I think, all this art, I think is what you
5 said.

6 A Right.

7 Q What do you -- could you quantify it? What do you mean by a lot of art?
8 What does that mean in your world?

9 A Whose? Who? Hunter?

10 Q Mr. Morris.

11 A I mean, he -- when you go to his house, it's filled with art. I mean, he has,
12 obviously, an entity that specializes in buying art. He bought -- like I said, I think when
13 he bought the Hunter's 2 years or prior or so, he had bought other artists of mine. So he
14 bought -- he was focused on some of my other artists, so he was a collector.

15 Q And, when you say he has an entity that was responsible for buying the art,
16 what does that mean in your business? Is that --

17 A That's normal, I mean, with big collectors, because they have other -- that
18 tells me that they have a large collection.

19 Q Thank you.

20 A So that -- yeah.

21 Ms. Stansbury. Can I ask a followup question?

22 Mr. [REDACTED] Please.

23 Ms. Stansbury. Okay.

24 So, Mr. Berges, I just want to make sure that we're all clear on the timeline of the
25 contract renegotiations and how this all played out and how Mr. Biden may have become

1 aware of some of the buyers, which we understand did not happen because of your
2 specific disclosure.

3 So, let me just make sure I'm understanding. So, in 2019, you formed a
4 friendship with Mr. Biden, and you began working together to get his show ready for the
5 gallery. Is that correct?

6 Mr. Berges. That's correct.

7 Ms. Stansbury. And you first entered a contract with him in 2020, is that correct,
8 or 2019.

9 Mr. Berges. 2020.

10 Ms. Stansbury. In 2020. And then you said that Mr. Hunter came to you
11 directly and asked to renegotiate that contract. Is that correct.

12 Mr. Berges. Yes.

13 Ms. Stansbury. And so that was a direct communication you had with Mr.
14 Hunter.

15 Mr. Berges. Yes.

16 Ms. Stansbury. And then you said that your attorney drafted something up for
17 you guys to finalize for negotiations, correct.

18 Mr. Berges. Correct. I think we just revised what we had.

19 Ms. Stansbury. Okay. And you stated that you had a face-to-face where you
20 sat down with Mr. Hunter and you guys finalized that contract together, correct.

21 Mr. Berges. Correct.

22 Ms. Stansbury. And that happened in the summer of 2021 -- or that happened in
23 2021.

24 Mr. Berges. In '21, yeah.

25 Ms. Stansbury. In '21. Now, at the time, because there were lots of media

1 reports and undoubtedly there were conversations I'm sure, you were aware that the
2 White House had tried to put into place guidelines so that there would be neither the
3 direct or appearance of impropriety in this relationship, correct.

4 Mr. Berges. Correct --

5 Mr. Pittard. Well --

6 Ms. Forrest. She's asking if you're aware from media reports.

7 Mr. Berges. I'm aware what -- from media reports.

8 Ms. Stansbury. You are aware that the White House had entered into
9 conversations with Mr. Biden and his attorney about the nature of your gallery's
10 relationship, correct?

11 Mr. Berges. I mean, I was not -- I'm not -- I don't know what Hunter was doing or
12 what --

13 Ms. Stansbury. But there were media reports. Are you aware of that.

14 Mr. Berges. There was media reports about an arrangement that had happened,
15 but I don't know if Hunter -- all I know is that I didn't speak with anybody. I just spoke
16 with Hunter.

17 Ms. Stansbury. Right. But you're aware that that is part of the reason that Mr.
18 Biden wanted to renegotiate his contract?

19 Mr. Berges. Yeah --

20 Mr. Pittard. Well, are or not?

21 Mr. Berges. I don't -- I don't know. It was essentially formalizing what we were
22 already doing. So I think it was a conversation -- it was almost like, "Hey, we should just
23 paper update the contract," because he, even -- from the very start, I've never shared
24 with him the names of the buyers. So it was already kind of going against the existing
25 contract, so we needed -- maybe I think with the media reports and everything, we're,

1 like, okay, we've got to kind of update the contract to reflect what's actually happening.

2 Ms. Stansbury. Okay. So to clarify then, you have never disclosed a buyer to
3 Hunter Biden of his artwork?

4 Mr. Berges. Never.

5 Ms. Stansbury. And so this was already your practice.

6 Mr. Berges. Right.

7 Ms. Stansbury. And so the changes to the contract that you concluded in 2021
8 were to formalize a practice that you were already doing in your gallery.

9 Mr. Berges. Right. And it's a practice that is -- I never share my collectors with
10 any of my artists because then they can circumvent you or anything can happen, so -- you
11 know, they're the lifeblood of your gallery. So, even when we had this agreement, my
12 instinct was always to not do that because it's my collectors.

13 Ms. Stansbury. But -- so the collectors do -- or sorry -- artists do find out who
14 collects their work even if it's not disclosed by the gallery because collectors contact
15 them --

16 Mr. Berges. They say, "I own one of your paintings," yeah.

17 Ms. Stansbury. -- or they see it out --

18 Mr. Berges. Yeah.

19 Ms. Stansbury. -- or they see it in the media?

20 Mr. Berges. Right.

21 Ms. Stansbury. And so is that how Mr. Biden became aware that his pieces had
22 been bought by various folks.

23 Mr. Berges. I don't --

24 Mr. Pittard. If you know.

25 Mr. Berges. I don't. I don't know.

1 Ms. Stansbury. But it was never disclosed by you.

2 Mr. Berges. It was never disclosed by me, no.

3 Ms. Stansbury. Thank you.

4 Mr. [REDACTED] This provision in the September 1, 2021, contract says, "The
5 gallery will not disclose the name of any buyer of artist's artwork to artist or any agent of
6 artist."

7 That language reflects the practice that you have always had with Hunter Biden.

8 Is that correct?

9 Mr. Berges. Correct.

10 Mr. [REDACTED] And that includes with the initial contract that had a different provision
11 stating that you would disclose the names. Is that correct?

12 Mr. Berges. Correct.

13 BY MS. [REDACTED]

14 Q So, switching gears a little bit again, you stated in the earlier hour that you
15 do not consider yourself a particularly partisan individual, correct?

16 A Correct.

17 Q And you confirmed that you've donated to both Republican and Democratic
18 campaigns --

19 A I have.

20 Q -- in the past.

21 You've donated to Republican Presidential campaigns in recent years, correct?

22 A I have.

23 Q You donated to the Trump reelection campaign in 2020, correct?

24 A I did.

25 Mr. Pittard. Do not tell Hunter.

1 BY MS. [REDACTED]

2 Q Do you recall how many times you donated to that campaign?

3 A I don't.

4 Q FEC data says it's approximately 20 times. Does that sound correct?

5 A You know, it's those things where you reply on a text, and you reply, and you
6 give \$5.

7 Q But you're confirming you've donated to that campaign?

8 A I have, I have.

9 Q And you've donated to both parties?

10 A I've donated to both parties.

11 Q And you confirmed in the last hour that, when a client walks into your
12 gallery, you don't generally ask them or care about their political affiliations, correct?

13 A I don't.

14 Q Would it be fair to say that it wouldn't be prudent for your business to ask
15 those kinds of questions?

16 A Right. I don't want to get into the -- it's not where you want to be. I don't
17 want to be looked at as a political -- I don't want to be looked at in a very partisan way my
18 gallery, although, unfortunately -- again, when I first met him, I never thought -- I think his
19 dad hadn't even decided to run, so I never thought he would run, win the nomination,
20 and then be a sitting President, which I had been donating the opposite. So, to me, it
21 was never a political thing. It was -- if anything, while I was developing this relationship,
22 I was voting -- I was donating to the opposite side.

23 Q Sure.

24 A So it had nothing to do with politics, but it had to do with the integrity of the
25 artist. And I actually believe everything I say. It has nothing to do with politics.

1 Q Understood.

2 There have been allegations that Hunter Biden allowed you to sell his art so that
3 planted purchasers could funnel money to him.

4 Are you aware of these allegations?

1

2 [12:38 p.m.]

3 BY MS. [REDACTED]

4 Q And what's your response to those allegations?

5 A Kind of absurd. I mean, it's -- I mean, have you looked at this? It's been a
6 labor of love at this point.

7 This is not a -- it -- it's really unfair for him, I think, what's happening because he's
8 a great artist and he has a lot of potential. And this guy just doesn't get a fair shake, you
9 know.

10 And I'm looking at it strictly from an artist perspective and a humanistic
11 perspective. I don't care about the politics. I, you know, there's political -- I care more
12 about issues less than political parties, to be honest with you.

13 BY MS. [REDACTED]

14 Q And -- sorry.

15 Just to jump in here real fast, you said have you looked at this and you referred to
16 the table.

17 A Oh, I meant -- I mean the --

18 Q The list of buyers, correct?

19 A The list of buyers.

20 Q And is that --

21 A The majority are my collectors. It's people who have collected. So
22 who's -- the majority of them are people that come -- are existing collectors from my
23 gallery like the woman that bought 23 pieces. I mean, she's bought -- she spent a lot of
24 money. I think this is probably the least amount she's paid for anything which is
25 \$13,000.

1 BY MR. [REDACTED]

2 Q And to be clear, the buyers that you're referencing here --

3 A Right.

4 Q -- who are prior collectors --

5 A Right.

6 Q -- as you have said, they are purchasing art that is created by someone other
7 than Hunter Biden.

8 A Of course, yeah, yeah, yeah, yeah, that's the primary -- I mean, this woman,
9 now that I know who she is, I mean, I think that's the least amount she's ever spent on a
10 painting in my gallery.

11 So it was -- it was based on faith and whatever. But, obviously, so the idea that
12 someone is using that as -- that's -- when I'm looking at these, I leverage a lot of my
13 selling abilities to get these sold. It wasn't because they came to me. I actually worked
14 really hard.

15 Like I said, even Naftali, I took a whole year before she bought anything and I
16 was -- I remember that because it was a great piece but it wasn't -- like I literally
17 convinced her for over a year to get it. I haven't had the issue where people are rushing
18 to me to buy it and I'm pushing them away.

19 Ms. [REDACTED] I think those are my questions. So should we -- have anything
20 else or so we can go off the record?

21 Ms. [REDACTED] We can go off the record. Thank you.

22 [Recess.]

23 Mr. [REDACTED] We'll go on the record.

24 Mr. Jordan. Mr. Berges, have you ever spoke to President Biden?

25 Mr. Berges. Just said hi. You know, just hi, hello, like --

1 Mr. Pittard. Question: Have you spoken to President Biden?

2 Mr. Berges. Yes.

3 Mr. Jordan. Okay. And was that in person or on the phone or both?

4 Mr. Berges. Both.

5 Mr. Jordan. Can you tell me about the in-person meeting, where that was, when
6 that was?

7 Mr. Berges. At the White House wedding during Hunter's -- Hunter's daughter
8 getting married.

9 Mr. Jordan. Okay. And then on the phone?

10 Mr. Berges. My daughter finished camp and he called to, you know, wish her,
11 congratulate her for finishing camp and I answered the phone.

12 Mr. Jordan. And was that the only time you spoke to him on the phone?

13 Mr. Berges. Yeah.

14 Mr. Jordan. And was that the only time, when you were at the White House at
15 the wedding, was that the only time you spoke to him in person?

16 Mr. Berges. Correct.

17 Mr. Jordan. Okay. Did you ever speak to candidate Biden --

18 Mr. Berges. No.

19 Mr. Jordan. -- when he was running for office, prior to becoming President?

20 Mr. Berges. Never.

21 Mr. Jordan. Either on the phone or in person?

22 Mr. Berges. Correct.

23 Mr. Jordan. Okay. Let's go to -- let me -- I just want to be clear. The contract,
24 the September 1st, 2021, contract, that you've initialed and Hunter Biden's initialed
25 where you made the changes and, of course, the big change that was talked about is not

1 disclosing the name.

2 Mr. Berges. Right.

3 Mr. Jordan. How is that different -- was the initial contract in writing like this,
4 minus that last sentence and some of the initial and blacked-out portions of this contract?
5 Was it the same basic template?

6 Mr. Berges. It was the same basic contract. It's just that it stipulated that I had
7 to tell him who the buyers were.

8 Mr. Jordan. Okay. So everything would have been the same on that contract
9 minus the very last sentence.

10 Mr. Berges. Correct.

11 Mr. Pittard. Do you know that to be true? Do you remember one way or the
12 other? Because I heard you testify about the substance that you -- -- that you
13 remember is different is X, right?

14 But then the Congressman followed up with something more specific, I think,
15 which is not just did, you know, substantively is it the same but, hey, is it the exact same
16 form? And if you know, great. Of course, if you don't, you say you don't know.

17 Mr. Bishop. That wasn't his question. He didn't say the same exact form.

18 Mr. Pittard. Well, pardon me then.

19 Mr. Bishop. If you coach him --

20 Mr. Pittard. I defer to what the question is, but I just want the witness to answer
21 the question.

22 Mr. Jordan. Was the initial contract that this -- this contract, this template,
23 minus the last sentence?

24 Mr. Berges. It -- I think the percentages of the commissions were a little
25 different maybe. But it -- it would have been based off -- this is basically based off the

1 initial contract.

2 Mr. [REDACTED] Would you be able to give us a copy of the first contract?

3 Mr. Berges. Sure.

4 Mr. Jordan. And when was the date of the first contract again?

5 Mr. [REDACTED] I mean, not during this interview right here, right now. I'm just
6 saying --

7 Mr. Pittard. I understand.

8 Mr. [REDACTED] -- just as a follow-up.

9 Mr. Pittard. I understand but also and importantly, right, I mean, our discussions
10 in doing this, the idea was to bring finality here. Will we give you the contract? If
11 Mr. Berges wants us to and he's just said that he, yes, we will. Right? But we're trying
12 to bring it to a close.

13 Mr. Jordan. Understand. We appreciate it, and we appreciate Mr. Berges
14 being here and y'all being here.

15 What was the date of the initial contract again?

16 Mr. Berges. I don't recall but it was -- I think it was in December of 2020 or
17 something like that.

18 Mr. Jordan. So about a year prior to this one.

19 Mr. Berges. Correct.

20 Mr. Jordan. Okay. Let's go to the what you provided the committee where
21 particularly the list of the 20-some --

22 Mr. Berges. Right.

23 Mr. Jordan. -- 20-some pieces that were purchased. Were the very first two
24 pieces, the untitled 2020 Buyer A and then William Jacques that were purchased
25 December 11th, 2020, were those the very first pieces that Hunter Biden ever sold?

1 Mr. Berges. Yes, from -- with me.

2 Mr. Jordan. Okay. So this is -- this is chronological order. All right. Is there
3 a reason why -- I mean, every piece is itemized out including where you've had a buyer
4 purchase more than one but with the exception of Kevin Morris, the 11 pieces there.

5 Is the reason you didn't itemize out what each piece was purchased for?

6 Mr. Berges. It's -- what do you mean? It's --

7 Mr. Jordan. Concern Morris brought 11 pieces. It looks like he did it all on one
8 day --

9 Mr. Berges. Okay.

10 Mr. Jordan. -- January 19th of last year. And you just list the pieces and the
11 total. All the other pieces in here are, you know, this piece sold for \$13,000, this piece
12 sold for \$40,000.

13 Is there -- do you have prices for each of the pieces that Mr. Morris purchased or
14 is it just one big sum he paid for those 11 paintings?

15 Mr. Berges. Yeah, I think he picked out the pieces he liked, and we negotiated a
16 price for all of those pieces.

17 Mr. Jordan. Is that -- is that customary?

18 Mr. Berges. Yeah, I've done that before.

19 Mr. Jordan. Okay. Okay. Earlier you said that -- I think I heard you say in our
20 first hour that Mr. Morris bought some pieces that he didn't see. Is that accurate?

21 Mr. Berges. No, no, no, he -- he had -- he saw but he didn't go -- he didn't go to
22 the gallery and see it and buy it. He had seen the pieces before.

23 Mr. Jordan. Okay. Okay. All right. That's all I got for right now.

24 BY MR. [REDACTED]

25 Q I think at the last -- in the first hour we ended and you had said something

1 that I wanted to come back to.

2 You said that Mr. Morris' payments for Hunter Biden's art go towards Hunter
3 Biden's debt to Mr. Morris?

4 A I think they had an arrangement, because I didn't pay Hunter Biden his
5 commission, the artist commission, because it was dealt -- that's how I remembered that,
6 yes, he had to have known that he was the buyer because normally the gallery would
7 then write a check for the artist commission but I didn't.

8 So I just got paid for my portion, for the gallery's portion, and they -- they
9 negotiated there. So like let's say there is, you know, a dollar and I get 40 and Hunter
10 Biden gets 60. We negotiated this deal. I got paid for my portion. And then that
11 portion was because they dealt with how they're going to instead of me -- instead of him
12 waiting for me to pay him, they were going to settle it together.

13 So but I don't want to circumvent that. I want the gallery to make a profit.
14 Obviously, otherwise, it's circumventing the gallery for them to go directly.

15 Mr. Jordan. So Kevin Morris just paid you the 40 percent of the \$875,000?

16 Mr. Berges. Correct.

17 Mr. Jordan. He gave you a check. Normally he would pay \$875,000 to the
18 gallery, and then you would give the 60 percent to the artist.

19 Mr. Berges. Correct.

20 Mr. Jordan. Have you ever done that before? The arrangement that happened
21 where you got paid directly the 40 percent from the purchaser, has that ever happened
22 before?

23 Mr. Berges. Not that I can recall but it's not unusual if the collector and the artist
24 have an existing relationship and they obviously want to pay me because he doesn't want
25 to ruin the relationship. If I'm a collector, I don't want to ruin the relationship the artist

1 has with the gallery.

2 Mr. Jordan. And you don't know if the 60 percent of the 875, Hunter Biden ever
3 got paid that? You don't know if he did or didn't.

4 Mr. Berges. I don't know.

5 Mr. Jordan. You don't know.

6 But this, in your experience, this is the only time this has happened with you, this
7 kind of payment --

8 Mr. Berges. That I can recall.

9 Mr. Jordan. -- arrangement.

10 Mr. Berges. That I can recall.

11 Mr. Bishop. And it did not happen in any of the other sales that are listed on
12 your paper?

13 Mr. Berges. No, everything is normal like with the other ones.

14 Mr. Jordan. So just to be clear then, on all the other, whatever it is, 15, 16 other
15 purchases, that amount that you listed is what was paid to your gallery and then --

16 Mr. Berges. No, I got -- I got the -- I got 40 percent of 875, which --

17 Ms. Forrest. He's asking about the others.

18 Mr. Berges. Oh, the others.

19 Mr. Jordan. All the others --

20 Mr. Berges. It's normal, like I --

21 Mr. Jordan. Like on the very first sale, Buyer A bought a painting on December
22 11th, 2020, and they paid \$13,000 to you.

23 Mr. Berges. Right.

24 Mr. Jordan. And then you got 40 percent or whatever the arrangement was at
25 the time with Hunter Biden.

1 Mr. Berges. Right. And I give Hunter his --

2 Mr. Jordan. 60 percent.

3 Mr. Berges. Exactly.

4 Mr. Jordan. Okay. And that was the case for every single one, as Mr. Bishop
5 asked.

6 Mr. Berges. Correct.

7 BY MR. [REDACTED]

8 Q Do you ever provide tax documentation for the artists?

9 A Yeah, I send them a I think it's a 1099 or whatever the document.

10 Q Okay. So for the Kevin Morris, Hunter Biden would get a 1099 that reflects
11 he received a payment of \$525,000?

12 A I don't know. I'd have to talk to my accountant to -- yes.

13 Q So I guess the question is two-part, two-part question. You ordinarily send
14 tax documentation, correct?

15 A Yeah.

16 Q Correct? That's question --

17 A Of what I pay out.

18 Q Right.

19 A Yeah. So if I my accountant says, Okay, you gave this artist \$100,000, you
20 1099 them or whatever, they receive the --

21 Q Okay.

22 A So it's what I, yeah.

23 Q So that's the first question. The second question related is whether for the
24 Kevin Morris transaction --

25 A Uh-huh.

1 Q -- because you didn't cut a check to Hunter Biden for the 525, that was
2 something, I guess, handled between Mr. Morris and Mr. Biden, right?

3 A Right.

4 Q So you didn't provide tax documentation for that most likely, correct?

5 A I don't know.

6 Mr. Pittard. Do you know?

7 Mr. Berges. I don't know.

8 BY MR. [REDACTED]

9 Q And just a follow-on to that, you don't know whether Hunter Biden received
10 the 525 --

11 A I don't --

12 Q -- \$525,00 which would be 60 percent of the 875.

13 A I don't know.

14 Q Okay. And you don't know whether he negotiated with Kevin Morris for a
15 different figure.

16 A I don't -- all I know is this.

17 Q And do you know if the amount that the 525 or whatever amount Hunter
18 Biden received from Kevin Morris for the paintings, do you know if that was deducted
19 from some loan that Kevin McCarthy had given Hunter Biden?

20 A I thought that that was --

21 Q Okay.

22 A -- that was, yeah, because he obviously owes -- he owed him money.

23 Q Okay. So if that was the case, then cash didn't change hands. They just
24 deducted his -- from his tab.

25 A I -- that's all conjecture. I don't know exactly what was going on. All I

1 know is that the -- that the artist wasn't going to be calling me and saying where's my
2 money.

3 Q Okay.

4 A That there was an agreement that the gallery -- so let's say I'm a collector
5 and I go and I want to buy art from you directly. Well, I want to take care of the gallery
6 and first because I don't want to ruin the relationship you have because the gallery's
7 going to say you're circumventing me. I don't want to deal with you because if I'm
8 promoting your art and you're selling it from back there.

9 Q Right.

10 A So it's not unusual for them to say, okay. Well, listen, I might get all these
11 pieces. I've talked to Hunter Biden about it or this. So we're going to paid you what
12 you're owed --

13 Q Okay.

14 A -- So you're not upset. Then I'll take care of the other part.

15 Q In the September 2021 contract, exhibit 2, number -- paragraph 3, numbered
16 paragraph 3, there's a sentence crossed out and that sentence reads, "For the avoidance
17 of doubt, all sales of artist's artwork during the term of this agreement and until
18 terminated per the terms of this agreement shall proceed only through the gallery and
19 gallery shall be entitled to a commission as outlined above."

20 So essentially this is an exclusivity provision, correct?

21 A Uh-huh.

22 Q And that was crossed out.

23 A I think we felt it was redundant because in the scope of the agency, it says,
24 "The artist appoints the gallery to act as the artist's exclusive agent for the exhibition and
25 sales of his artwork worldwide."

1 Q Okay. Would it be your expectation if Hunter Biden sold a piece of art to,
2 say, Lanette Phillips?

3 A Right.

4 Q Okay. Lanette Phillips is based in California, right?

5 A Correct.

6 Q In L.A.?

7 A Yeah.

8 Q So is Hunter Biden.

9 A Yeah.

10 Q So is Kevin Morris.

11 A Right.

12 Q So it's possible they all get together and talk about art?

13 A I'm assuming. I don't know.

14 Q So it would be your expectation if Hunter Biden gave a piece of art for a fee
15 and sold a piece of art to Lanette Phillips that he would let you know and --

16 A That --

17 Q -- and you'd get a -- that 40 percent?

18 A That, yeah, all art sales should have to go through the gallery. So --

19 Q Okay.

20 A The normal protocol is he, they want to buy a piece, he should refer them to
21 the gallery and the gallery executes the sale.

22 Mr. Bishop. What do you mean large sales?

23 Mr. Berges. No, it would --

24 Mr. Bishop. Isn't that what you just said?

25 Mr. Berges. If someone wants to buy a piece, no matter whatever price --

1 Mr. Bishop. Oh, I thought you said large sales.

2 Mr. Berges. -- the artist says has to say, okay, I refer to you my gallerist.

3 BY MR. [REDACTED]

4 Q And that would be different if Hunter Biden gifted a piece of artwork to
5 Dr. Jill Biden.

6 A Right.

7 Q For example, you know, it's been reported that Dr. Jill Biden has a Hunter
8 Biden painting hanging in her -- piece of art hanging in her office. And so if Hunter gives
9 a painting or a work of art to Dr. Jill Biden for free as a gift, that wouldn't --

10 A I mean, giving it to your mother, I would not -- I -- it's fine.

11 Q Of course. I'm not suggesting anything's wrong with that. I'm just using
12 that as an example.

13 A Yeah, yeah, yeah.

14 Q So but if Hunter Biden was going to gift a painting to Kevin Morris, would
15 that be a different situation?

16 A No, I think it's just sales, to be honest with you.

17 Q Okay.

18 A Yeah.

19 Q So you wouldn't have an issue if Hunter Biden --

20 A No.

21 Q -- gifted a work of art to Kevin Morris or to --

22 A No.

23 Q -- Lanette Phillips.

24 A Right.

25 Q Okay. It's just if there's a --

1 A -- if --

2 Q If it's sold --

3 A -- there's a sale, then the gallery reserves the right to get its cut.

4 Mr. [REDACTED] Okay.

5 Mr. Bishop. Did Hunter Biden ever sell art before using you as agent?

6 Mr. Berges. Not that I know of. I don't know.

7 Mr. Bishop. And you -- and presumably from what -- from your discussions with
8 him, did he ever indicate that he had sold any art before your relationship commenced?

9 Mr. Berges. I never got the impression he did.

10 Mr. Bishop. Okay. Did you get an impression to the contrary, that is to say that
11 he didn't?

12 Mr. Berges. I didn't get an impression that he sold anything before he met me.

13 Mr. Bishop. Yeah, and that's what I'm trying to clarify.

14 Mr. Berges. Yeah.

15 Mr. Bishop. Did you get the impression from him that he had not sold art before
16 you helped him do so?

17 Mr. Berges. I did.

18 Mr. Bishop. Okay.

19 Mr. [REDACTED] And if you found out that Hunter Biden did sell a piece of art to
20 somebody, you would have a contractual right to recoup 40 percent of the sales price.
21 Is that your understanding.

22 Mr. Berges. Correct.

23 Mr. Pittard. With a caveat, if I could, about the timing of that sale, right, and
24 particularly --

25 Mr. Berges. Depends on which -- under what contract.

1 Mr. [REDACTED] Right. If it's during the life of this agreement.

2 Mr. Jordan. But to your knowledge, the first painting sold was this one on
3 December 11, 2020, to Buyer A.

4 Mr. Berges. Yes.

5 Mr. Jordan. Okay. That's the first one. You don't think he was selling
6 paintings before he started this relationship with your gallery?

7 Mr. Berges. I don't know.

8 Mr. Jordan. Okay. You said that the 11 pieces sold to Kevin Morris were
9 negotiated as a package.

10 Who negotiated that? You and Kevin Morris.

11 Mr. Berges. Yes.

12 Mr. Jordan. Was Hunter Biden involved in those negotiation?

13 Mr. Berges. Not with me.

14 Mr. Jordan. Just you and Mr. Morris decided you were going to sell 11 for this
15 price.

16 Mr. Berges. Yeah, I mean, there was, I think, less and he -- and he wanted a little
17 bit more and so I threw in a few extra for that price. So it wasn't like he just took
18 whatever I gave him. We literally negotiated. In fact, I --

19 Mr. Jordan. That's fine. I just want to know who and just you and Mr. Morris.
20 Hunter Biden was not involved in those negotiations.

21 Mr. Berges. Not with that, no. If he was involved with -- not with that.

22 Mr. [REDACTED] I'd like to turn to speak about the exhibitions a little bit more.
23 Can you --

24 Mr. Jordan. Can I ask -- I'm sorry, [REDACTED]

25 And just for guidance, never dealt in this world one bit. What -- is Hunter

1 Biden's -- do -- when the people go into your gallery and see the painting, do they know
2 that's a Hunter Biden painting? It's clear you got some --

3 Mr. Berges. They don't.

4 Mr. Bishop. Oh, they don't know.

5 Mr. Berges. I don't put any names or any signs on the --

6 Mr. Jordan. Okay.

7 Mr. [REDACTED] But he signs his paintings, right?

8 Mr. Berges. He does.

9 Mr. [REDACTED] He doesn't sign the painting with a pseudonym, right?

10 Mr. Berges. Well, it's RHB with a -- you wouldn't know it. It's on the side. You
11 wouldn't just know it's a Hunter Biden.

12 Mr. [REDACTED] Okay.

13 Mr. Jordan. But would sophisticated, I mean, I think the last hour --

14 Mr. Berges. Actually people are surprised that it's a Hunter Biden because they
15 love the work. And they're, like, really? That's been kind of a joke, a running joke that
16 when people don't really know who it is and you get to see a little bit of the political
17 leanings in people when they find out who it is.

18 Mr. [REDACTED] But when you do sell, they end up finding out that it's a --

19 Mr. Berges. Oh no --

20 Mr. [REDACTED] -- a Hunter Biden?

21 Mr. Berges. -- by the time I go to a sale, they know it's a Hunter Biden, yeah.

22 BY MR. [REDACTED]

23 Q You have a website, right?

24 A I do.

25 Q And on your website it says Hunter Biden's art, correct?

1 A Right.

2 Q And it lists out his different art pieces, right?

3 A Correct.

4 Q So somebody could go the website and look at the piece and say, Oh, that's
5 Hunter Biden's art that I saw on your website, correct?

6 A Yeah.

7 Mr. Jordan. So, well, then I guess it still begs the questions. When a purchaser
8 comes in, potential purchaser comes in, sees the painting and they decide to buy it, do
9 they know before they purchase it whose painting it is?

10 Mr. Berges. Of course.

11 Mr. Jordan. Okay.

12 Mr. Bishop. Let me ask you this question, too, about exhibit 2, the contract.

13 Mr. Berges. Uh-huh.

14 Mr. Bishop. You said the same template was used in the first contract.

15 Mr. Berges. Right.

16 Mr. Bishop. But there was a provision in that contract that said the gallery would
17 disclose the identity of the purchasers to Mr. Biden?

18 Mr. Berges. Correct.

19 Mr. Bishop. How did that get in the original contract? Was it part of the
20 template?

21 Mr. Berges. It wasn't part of the template. It was requested by Hunter Biden.

22 Mr. Bishop. Was it a marking out in the same way you see changes on here that
23 have been initialed? In other words, let me ask it this way. It's a template. The
24 template originated with you through your lawyer, correct?

25 Mr. Berges. I think so. I'm not sure but I -- I think so because it's not dissimilar

1 to all the contracts I have with all my artists.

2 Mr. Bishop. Except that provision is dissimilar, if I understand correctly, from
3 your practice. Is that right?

4 Mr. Berges. Of the initial contract, yeah, that was -- that was unusual.

5 Mr. Bishop. So how did it get added or changed to reflect that?

6 Mr. Berges. Because Hunter requested it, that -- they -- that --

7 Mr. Jordan. Yeah, but he's asking specifically wasn't this template drawn out --

8 Mr. Berges. Oh, no, no, it wasn't by hand.

9 Mr. Jordan. Okay.

10 Mr. Berges. If I recall correctly, it was just from sending the contract back and
11 forth, it was stipulated because I usually would get it, send it to my attorney, and my
12 attorney calls me, my art attorney.

13 And he says, Hey, this is what his contract says.

14 To be honest with you, I don't read them as much. I just have my attorney read
15 it and tell me what it is and he said it and he noted that that was --

16 Mr. Pittard. No, don't talk about your conversations --

17 Mr. Berges. Okay.

18 Mr. Pittard. -- with your lawyer.

19 Mr. Berges. Okay. So yeah.

20 Mr. Bishop. Why did you acquiesce in the inclusion of that term in the original
21 contract if it was contrary to your practice?

22 Mr. Berges. Well, it was and it wasn't. I mean, my whole message with
23 opening the gallery, if you -- we refer back to the video is that I did want to encourage
24 collectors and artists to develop a relationship, although from a business perspective it
25 wasn't really a -- there's a reason why that doesn't happen normally.

1 Remember I was new to the gallery world. I was an art dealer, but I realized the
2 gallery world's a little bit different. You almost want to keep those private, which
3 also -- so that was the conflict. So initially I'm open to it because it kind of went with my
4 overall narrative.

5 But in practice, I didn't do it because it goes against really the fundamentals of
6 running a gallery where you're trying -- so that was also a self -- a learning process for
7 myself, from going from an art dealer to a gallerist, that there was a reason why that is
8 not the -- doesn't happen.

9 So that's why initially I was -- by the idea, I wasn't, like, repulsed by it. I went
10 with my -- with my morals of what the art world should be. But in practice, it didn't -- I
11 never did it because it just doesn't make any business sense on my part.

12 Mr. Bishop. Right. Yield back.

13

BY MR. [REDACTED]

14 Q Do you consider your treatment of Hunter Biden to be consistent with all of
15 your artists?

16 A Yeah.

17 Q Why, if you Google the George Berges Gallery, does your website pop up and
18 then there's a landing page on Hunter Biden specifically?

19 Mr. Pittard. If you know how, why things pop up in a certain way when someone
20 googles something.

21 Mr. Berges. I think it's more than likely because he's -- he's always in the news.
22 So it's the way the search engine works.

23

BY MR. [REDACTED]

24 Q So you never directed that?

25 A Not at all, no. That has nothing to do with me.

1 Q So to go to the exhibitions, I'd like to just go through them.

2 How many Hunter Biden exhibitions have there been?

3 A Three, I think, three.

4 Q Okay. When was the first one?

5 A If I remember correctly, is twenty -- the year after his dead won,
6 whatever -- it was 2020.

7 Q 2021 was the first exhibition?

8 A So that was October and in L.A. and then November in New York and then a
9 year later in December in New York.

10 Q Okay. Out of the -- out of the list of buyers that your attorney provided us
11 today, how many of those -- did any of these attend the first art exhibition on
12 October -- in October of 2021?

13 A I think -- did any attend? I think one or two, a few.

14 Q Which ones?

15 A Well, Bill Jacques, William Jacques. I think Buyer C and obviously Kevin.
16 Naftali attended the last one but not the first two.

17 Q Okay. And is that --

18 A I think, best of my knowledge.

19 Q So besides the buyers that you just identified as attending the first show and
20 Naftali who attended the last show, are there any other people on this list who attended
21 shows?

22 A Not that I can recall.

23 Mr. [REDACTED] Okay.

24 BY MR. [REDACTED]

25 Q Was Hunter Biden at the shows?

1 A He was.

2 Q He was. Okay. All three of them?

3 A Yes.

4 BY MR. [REDACTED]

5 Q Who was -- I think we touched on it briefly. But for the October 2021
6 show, who did you work with to establish that guest list?

7 A I -- what happened was that it's not really my home base, L.A. So I only
8 knew a few people. I was only going to send my people.

9 Kevin's assistant was managing the -- so everybody was sending the guest list
10 to -- so if you knew somebody, you would send it to Kevin's assistant. And she was
11 managing the centralized finance list of who was there.

12 Q Do you remember her name?

13 A Nicole.

14 Q Last name?

15 A I don't know her last name, to be honest. Nicole -- I don't remember her
16 last name but I know her name's Nicole, yeah. And it's like his manager, office manager,
17 you know, a personal assistant or whatever you want to call that, yeah.

18 Q So everybody, when you say everybody is sending their guest lists, who is
19 the everybody is that you're referring to?

20 A No, just mainly, like, Hunter Biden, myself, Kevin, Lanette sends some
21 people. Anybody else that I -- I wouldn't be -- I don't know who's -- who is involved in
22 doing all that.

23 I just set up the show, and I sent my people. And I sent it to Kevin's assistant and
24 he -- and she kept a list but I -- I don't know how many people were actually sending
25 or -- so I don't any of that.

1 Q How many -- do you remember how many people approximately attended
2 that show?

3 A In L.A., I'd say maybe 200.

4 Q Okay. What about the next show which followed shortly after, is that
5 correct, in New York?

6 A Yes, it was, like, 3 weeks later.

7 Q And this is your home base, right?

8 A Yes.

9 Q Did this show take place at your gallery?

10 A Yes.

11 Q And for that one, did anybody -- did -- was it same system where Kevin and
12 Lanette and you were creating the list together?

13 A It wasn't Kevin and Lanette. I said Lanette was one of the people, I'm sure,
14 that was sending because she was a -- she's a friend. Anybody -- that's the only person
15 can I think of, if they had friends, they would send their friends. You know, there's
16 friends and family. So they were sending it to. I just -- Lanette I know was one of
17 them.

18 Q Sure.

19 A So in terms of the one in the gallery, Lanette wasn't -- I mean, she was just a
20 friend. She was not like a -- with the gallery one, it was the same thing. I, you know, I
21 want -- it wasn't open to the public. It was by appointment only. So --

22 BY MR. [REDACTED]

23 Q Did Lanette introduce you to Buyer A?

24 A No.

25 Q Buyer B?

1 A I don't think she introduced me to anybody but Naftali. Let me see just to
2 make sure. No, she didn't introduce me to anybody.

3 Q Okay.

4 A Just Naftali.

5 Q So definitely not Buyer B or Buyer D?

6 A Nobody else. The rest all my people.

7 Mr. Bishop. Those are all what people?

8 Mr. Berges. People that are existing collectors or, you know, through other, you
9 know, they're not in anyway connected to that I know of.

10 BY MR. [REDACTED]

11 Q Buyer B and Buyer D are your --

12 A Yeah, yeah, yeah.

13 Q -- your customers?

14 A Yeah, yeah.

15 BY MR. [REDACTED]

16 Q Do you know the relationship between Kevin Morris and Ms. Phillips?

17 A I don't.

18 Q Okay. And then you said the next exhibition was in December of 2022. Is
19 that correct?

20 A Correct.

21 Q Where was that? That was in New York?

22 A At the gallery, at my gallery.

23 Q And same system for compiling, would --

24 A No, that one was -- was just me. I -- so I opened it like normal but I didn't
25 have an opening party like normally you have an exhibition. So we wanted to trick kind

1 of people because it was -- had all the paparazzi outside, waiting for the event. There
2 wasn't an opening party. It was very soft, but there was a closing party.

3 So at the very end before closing and it was just basically he invited his kids and
4 my family and some targeted people because, obviously, I'm also worried about security
5 for my own security, as well, because I was getting death threats and so, you know, which
6 I still am. And so I didn't want to just open it to everybody as well.

7 Q Was Kevin Morris at that show?

8 A I don't think he was. Well, maybe -- I don't remember, to be honest with
9 you.

10 Q Okay.

11 Mr. Bishop. Let me interject. Do you continue to represent Hunter Biden in --

12 Mr. Berges. I have not renewed the contract, no.

13 Mr. Bishop. Okay. So the contract expired. By its terms, it was initiated, it
14 commenced September 1, 2021, ran for 24 months. So it ended September 1, 2023.

15 Mr. Berges. I'm aware.

16 Mr. Bishop. The final sale listed on your letter --

17 Mr. Berges. Uh-huh.

18 Mr. Bishop. -- which is exhibit 1, occurred in November, 2023?

19 Mr. Berges. Yeah. That was a collector that wanted to buy a piece. So we
20 verbally agreed, okay, is it going to be this same percentage cut and so, yeah. But I
21 didn't renew the contract. It was a sale-specific agreement, verbal agreement about
22 that particular sale.

23 Mr. Bishop. You ever have any inter witness Hunter Biden about the extension
24 or non-extension of the agency relationship of this contract?

25 Mr. Berges. Yeah, yeah, yeah, he -- yeah, I mean, we've discussed extending it.

1 At the moment I opted not to.

2 Mr. Bishop. Is the list in your letter, exhibit 1, comprehensive? Does it reflect
3 all of the sales of --

4 Mr. Berges. Reflects all of them.

5 Mr. Bishop. -- this art that you've been involved with?

6 Mr. Berges. Yeah, yeah, and so --

7 Mr. Jordan. So you no longer have any Hunter Biden pieces in your gallery?

8 Mr. Berges. I do have some but I don't -- I haven't -- again, we've talked. We're
9 friends, whatever. But I haven't -- I didn't -- I haven't made the decision whether to
10 extend the contract. It -- from a business perspective, it hasn't been the best decision
11 for me.

12 And also, you know, there's a lot of -- you know, I never expected the whole
13 security issue or the death threats and people assuming political affiliation, which was
14 completely wrong. It's just shocked some people.

15 And so it's -- you know, it was a little bit more than I could chew, that obviously I
16 kind of wanted my life back. So I haven't agreed to renew that contract now.

17 BY MR. [REDACTED]

18 Q Has he sold any pieces of art since --

19 A I don't know if he has. I would say no but I can't -- I don't know if he has.

20 Q Is he still making art out in Malibu?

21 A He is.

22 Q Okay.

23 A Yeah.

24 Q And so what happens to the art that he makes out there in Malibu?

25 A I don't know.

1 Q So he's not working with a different gallerist?

2 A He wouldn't be able to tell me what he's doing at this point.

3 Q Okay. But you said he's a -- I think you said he's a pretty good friend of
4 yours, right?

5 A He calls me a lot but --

6 Q Do you still talk to his frequently?

7 A Yeah, he calls me, you know, a couple of times a week.

8 Q Okay. So you talked to him a couple of times a week, even though your
9 agreement has expired.

10 A I mean, yeah.

11 Q So he hasn't mentioned to you that he sold art or what he plans to do with
12 all this art that he's collecting? I mean, is he still preparing --

13 A I think he wants to obviously work with me, and but, you know, I also have
14 to make business decisions. I have my own family to support.

15 Q Of course.

16 A And, you know, I can't keep going, you know. So it's -- it's not -- it hasn't
17 been a lucrative business decision on my part.

18 Q But he's still out in Malibu --

19 A Doing --

20 Q -- preparing art.

21 A He's not bound by anything from me to do. He could be doing whatever he
22 wants to do.

23 Q Okay. And he hasn't mentioned to you that he sold anything.

24 A He has not, yeah.

25 BY MR. [REDACTED]

1 Q In terms of the funding or the financing for these kind of -- these kind of
2 exhibitions, did anybody assist you in paying for these sorts of events?

3 A No, I paid for them. Yeah, I'm still bitter about a lot of that stuff. Yeah, I
4 paid for it myself.

5 Q What is the cost of something like that?

6 Mr. Pittard. Well, what in particular?

7 BY MR. [REDACTED]

8 Q We can go one by one. What was the cost of putting on the L.A.
9 exhibition?

10 A Probably around, I don't know, 50, \$60,000, something. I had to do all the
11 framing. I had to do all the shipping. I had to expedite it, yeah.

12 With the one in New York, it's less -- well, it's not less. I have my natural
13 overhead. I pay tens of thousand a month in rent and staffing, insurance. At the time I
14 had, like, three, four people working on it. So it's a considerable expense. But I took a
15 gamble and it didn't really pay off, but so that's one of the reasons I haven't really
16 renewed the contract.

17 Mr. Bishop. Trying to recall your testimony from very early on. Did you testify
18 have you one employee in the gallery?

19 Mr. Berges. At the moment, yeah.

20 Mr. Bishop. How many employees have you had over time?

21 Mr. Berges. It fluctuates because in the art world what happens is that you have
22 independent consultants that are dealers. So they work with different galleries.

23 And they'll say, Listen, I have collectors that would buy some of this work that you
24 have. So they come in and say, Well, I'll be in here for 2 days. I want to bring my
25 collectors.

1 And then we negotiate mostly commission. So they want 20 percent. They
2 want 15 percent. Some of them want 25, 30 percent. And I think, okay, well, I'm only
3 going make 20 percent because I have to give 50 percent normally to an artist but 20
4 percent of something is better than a hundred percent of nothing.

5 So they -- so I have salespeople that are -- that rotate the galleries.

6 Mr. Bishop. So are those salespeople employees for a period of a few days and --

7 Mr. Berges. They're in -- independent contractors. So they work in three
8 different galleries in one month.

9 Mr. Bishop. Okay. So, setting aside independent contractors --

10 Mr. Berges. Yeah.

11 Mr. Bishop. -- when they come in --

12 Mr. Berges. Right.

13 Mr. Bishop. -- for the sake of specific shows, what is the maximum number of
14 employees your gallery has employed?

15 Mr. Berges. Right now, one.

16 Mr. Bishop. No, over time.

17 Mr. Berges. Two, three, at the most but mainly two, mainly two, yeah.

18 Mr. Bishop. Have you ever been to Camp David?

19 Mr. Berges. I have never been to Camp David.

20 Mr. Bishop. You have a hat?

21 Mr. Berges. Yeah, I did get a --

22 Mr. Bishop. Do you know where it came from?

23 Mr. Berges. There's an article about it. I learned to not wear gifts that were
24 given. I had a -- yeah, there was a -- I got a hat as a gift that said Camp David and I wore
25 it.

1 Mr. Bishop. Where did you get it? Who gave you the gift?

2 Mr. Berges. Huh?

3 Mr. Bishop. Who gave you the gift?

4 Mr. Berges. Hunter. I visited him in Malibu and I saw a hat and I took it. He
5 said I could have it.

6 Mr. Bishop. I yield back.

7 BY MR. [REDACTED]

8 Q When was the last time you spoke with Hunter Biden?

9 A Yesterday.

10 Q You talk about this interview?

11 A No, I mean, he knew I was -- we talk about art mainly and we're very
12 sensitive to not talk about, like, anything. So we just talk about art and or, I mean, you
13 know, he asked about my daughter or my wife and my -- you know, so we developed a
14 relationship.

15 I mean, he doesn't -- again, he doesn't know my political -- like he doesn't know
16 who I voted or didn't vote for. And that's the only cringe part about everything that's
17 going to come out. But I -- but, again, I have my own political views and who I think and
18 has nothing to do -- you know, I liked him as his art. I ended up liking him as a person.
19 Politically, I was not aligned, and I wasn't going to change that.

20 Q You said a few minutes ago that you had briefly met President Biden. Have
21 you met any other members of the Biden family?

22 A I have, his kids, his sister. I met -- just at the openings, Valerie, I think Joe's
23 sister, who came to one of the openings but that's it, his kids.

24 Q You've met Melissa Cohen, his wife?

25 A Yes.

1 Mr. [REDACTED] How about that Jim Biden?

2 Mr. Berges. I've never met Jim. I'm sure he was at the White House wedding,
3 but I never met him.

4 Mr. [REDACTED] Have you discussed this interview with Kevin Morris?

5 Mr. Berges. No, I haven't spoken to Kevin for other over a year since we did this
6 sale, the -- or, yeah, it was a year ago, I guess. That was the last time I spoke with him.

7 BY MR. [REDACTED]

8 Q You know, the terms of the agreement, you didn't disclose to the artist who
9 was buying the artwork under the agreement, correct?

10 A Right.

11 Q But you have no idea whether the artist told or the buyers told the artist that
12 they bought it.

13 A I don't know.

14 Q Okay. So as far as we know, I mean, every one of these buyers here could
15 have told Hunter Biden that they bought some art from him.

16 A I just -- most of them, they're my collectors. I don't think that they would
17 know who he is.

18 Q Okay.

19 A And a lot of them are politically aligned more with me. So I don't think that
20 they would -- that they would even know or even -- I -- it took a lot of effort for me to sell
21 these. So it wasn't like they came to me, especially with my people. And so it wasn't,
22 even with Naftali, it took me a year of cajoling her and telling her how it was a great
23 piece. So it wasn't a very -- it took a lot of effort. So --

24 Q Okay. So you think that Ms. --

25 A So if they told --

1 Mr. Pittard. Listen to the question.

2 BY MR. [REDACTED]

3 Q So you think Ms. Naftali bought the piece because intrinsically she was
4 impressed with the --

5 A I think I sold it to her. I think I was able -- it took me a year.

6 Q Okay.

7 A From my perspective, you know, from what I know but eventually she
8 decided to buy it.

9 Q And did Ms. Naftali, was that the November 2022 --

10 A No, she was -- she was the December one.

11 Q It was December 2022?

12 A Yeah.

13 Q And do you know if she met Hunter Biden?

14 A She did.

15 Q Okay. Was that the first time she met Hunter Biden to the extent you
16 know?

17 A No, I don't -- I think that was not the first time.

18 Q Oh, so she knew him?

19 A Yeah.

20 Q Okay. How well, if you know?

21 A I don't know.

22 Q But well enough that she could communicate to Hunter Biden that she
23 bought a piece of his art?

24 A She could.

25 Q Yeah. You mentioned that you were drawn to his story, and I think you

1 likened him to Rocky.

2 A I love that movie.

3 Q Well, I do, too, you know, Philadelphia.

4 A Hey, you know, American story.

5 Q But in fairness, Hunter Biden is not -- I mean, he struggled with addiction.

6 That is a fair point. But he's not exactly the disadvantaged little guy, correct?

7 A Yeah, but I was looking at it -- you know, sometimes the advantages that
8 people attribute to him are disadvantages because when -- if you're trapped in addiction,
9 all of those things that you say are advantage are the things you tell yourself to keep
10 going. You're the exception. You are a Biden. You're this. So actually that makes
11 the idea of changing harder.

12 Q Fair enough. So setting aside his addiction, but he was getting millions of
13 dollars from --

14 A That I don't know.

15 Q -- you know --

16 Mr. Pittard. This seems beyond what Mr. Berges knows about.

17 Mr. [REDACTED] Well, no, I'm just trying to probe the --

18 Mr. Pittard. I hear you. I hear you.

19 Mr. [REDACTED] -- the fact that he likened him to Rocky.

20 Mr. Pittard. Yeah, yeah.

21 Mr. [REDACTED] I mean, he's getting paid a bunch of money from Burisma for sitting
22 on their board for doing nothing which he's --

23 Mr. Pittard. Well, I don't think we know anything about -- I don't know anything
24 about that. I doubt Mr. Berges knows anything about that.

25 Mr. [REDACTED] He a graduate of Georgetown and Yale. And I'm sure if we probed

1 his, you know, getting into Yale, I'm sure the fact that his father --

2 Mr. Pittard. [REDACTED] where are you going with this? Excuse me but I --

3 Mr. [REDACTED] I mean, you know, in fairness.

4 Mr. Jordan. I think Mr. Berges said, if I could, [REDACTED] Mr. Berges said last hour:
5 Had his name been different, he would have done better.

6 That was a direct quote.

7 Mr. Berges. In terms of the art right now.

8 Mr. Jordan. Okay. So, I mean, he sold I think it's \$1.5 million in looks like 2
9 years', 3 years' time. Is that -- that's not -- that's doing bad?

10 Mr. Berges. Well, I mean, it helped the Kevin acquisition. It helped. But if
11 you extrap -- take that out --

12 Mr. Jordan. Well, but you just can't delete \$875,000?

13 Mr. Berges. No, I understand that but --

14 Mr. Jordan. Well, let me just ask this. \$1.5 million for a brand new artist, you
15 said his first painting was sold on December 11th, 2020. \$1.5 million in a 2-1/2 year
16 time period, is that -- that's not good?

17 Mr. Berges. The -- from my perspective, I'm trying to sell him art to multiple
18 people, not just one. So this -- we had a -- we did a great deal with Kuliaky Art that was
19 great but that's also an outlier.

20 So when you look at the overall sales, you know, \$13,000, 40, 25, 25, it's not -- I
21 have artists that are doing a lot better. So that was an outlier. I'm really happy that
22 that happened.

23 Mr. [REDACTED] The Kevin Morris transaction?

24 Mr. Berges. Yeah, but I didn't -- but I haven't renewed the contract because I
25 have to look at the totality of the sales.

1 Mr. Jordan. Well, and that's not the contract. I was asking. You said, had his
2 name been different, he would have done better.

3 Mr. Berges. I think so.

4 Mr. Jordan. And what I said is \$1.5 million over 3 years seems to be -- and I ask:
5 Is that not good? You said take out the big purchase and it's not good, I think, is --

6 Mr. Berges. Well, because it's an outlier.

7 Mr. Jordan. Okay.

8 Mr. Berges. If I look at the totality, if I look at the whole picture of this artist
9 objectively, I would say, okay, this is great that we got someone to do an major
10 acquisition, but let's look at the general response and what the value is. I would have
11 said, you know, it's not that impressive.

12 Mr. Jordan. Okay.

13 Mr. [REDACTED] So why didn't you use an alias? Why not use some sort of
14 anonymized --

15 Mr. Berges. Because it's who he is and I think part of the story, part of the
16 story -- I mean, listen, you know, I've worked with Sylvester Stallone. I was working with
17 him and he -- and, obviously, his name, I've sold his work. I've been to his house and
18 reference to Rocky. And I'm sure people bought the work because of the name.
19 Right? Why didn't he do an alias? Because it's who he is. It's the story.

20 It's -- I always tell people I don't sell paintings. I sell my artists.

21 Mr. [REDACTED] Sure.

22 Mr. Berges. And whether he -- you know, good and bad, that's who he is and
23 that, you know, he's also in some ways become a historical figure because of that, as is
24 Sylvester Stallone.

25 Mr. Bishop. So following up the chairman's question and what you just said,

1 would you say that Hunter Biden being the artist is a significant reason why the art could
2 be sold and yet you also contend that's the reason that the sales were limited?

3 Mr. Berges. Yeah, I mean, initially I thought that's -- I paid for all those openings.
4 I paid a lot of money with the hope I was going make a lot of money also for both of us.
5 I'm running a business.

6 And it was -- it was two possibilities. It's going to be a really big plus where
7 people, are like, because he's a historical figure, it's, like, Sylvester Stallone. People are
8 going to buy it because it's Stallone, or they're not going to buy it because it's Stallone or
9 Hunter Biden. So it was one or the other.

10 Mr. Bishop. But in either case, predominantly because of who Hunter Biden was,
11 right?

12 Mr. Berges. Well, no, the art is great, just like I think -- I think Sylvester Stallone's
13 great. But is the name overshadowing people's ability to look at the art? Is it going be
14 in a negative or a positive way?

15 So like when people, well, said will people know if it's Hunter Biden painting, well,
16 they don't when they come into my gallery. In fact, I've had people that are completely
17 shocked because they tend to be on the right and they love the piece and they find out
18 who it is and they start laughing because, Oh, my God, I can't believe.

19 So in that sense it was working against him but the same thing with Stallone.
20 Looking -- can people look at his work objectively without that name overshadowing their
21 ability to actually look to see if the art is good or bad? It can go both ways.

22 And I rolled the dice on it and, yes, there was one big sale but I have to look at the
23 totality of it. And I've had artists do a lot better than this. If you take out that one big
24 sale, I can't depend on an art -- signing up an artist on the hope of one big sale again.

25 So I have -- I haven't represented him for 4 months now and I think that also says

1 something. And I still talk to him as a friend. So it's separate. Business and
2 friendship I'm very good at separating.

3 Mr. Bishop. The Washington Post article that's marked as exhibit number 3,
4 have you read that before?

5 Mr. Berges. Which one's that?

6 Mr. Bishop. Do you have the article?

7 Ms. Forrest. H, I think.

8 Mr. Berges. H? I've never read that before.

9 Mr. Bishop. It says in the one, two, three, four, fifth paragraph, the concluding
10 line says, "Berges has said that prices for the paintings would range from \$75,000 to
11 \$500,000." Is that false?

12 Mr. Berges. Yes.

13 Mr. Bishop. Did you ever say that?

14 Mr. Berges. I don't recall ever saying that.

15 Mr. Bishop. Okay.

16 Mr. Berges. I know that there was an article from the Artnet that came out and
17 said that and I don't know if it was my publicist who had said that or I don't know where
18 that number came from.

19 But I do remember having conversations with my publicist and asking how in the
20 heck did they come out with that number because I didn't have anything for \$400,000,
21 \$500,000, or \$300,000. The price range was pretty realistic. I mean, it's not -- if you
22 looked at a New York Post article that I can recall where they had an art critic say this
23 prices should be around 40 to \$85,000 from his professional opinion and it was the Post.
24 So but there was nothing above 3, 4, 500. So that was inaccurate.

25 Mr. Bishop. On the next page of that same article, sixth paragraph down, there's

1 a paragraph that begins, "A person who initially says, and it reads in full, "A person who
2 initially said she was calling on behalf of Berges, but then said she couldn't be quoted by
3 name, confirmed that all sales would be kept secret and described any agreement as,
4 quote, 'nothing unusual,'" close quote.

5 Do you know who the source is who's being quoted?

6 Mr. Berges. I suspect that it was Robin Davis which is -- who's passed away, who
7 was my publicist at the time.

8 Mr. Bishop. And she -- when did she pass away?

9 Mr. Berges. 5, 6 months ago.

10 Mr. Bishop. I yield.

11 BY MR. [REDACTED]

12 Q You mentioned that it took you about a year to sell Ms. Naftali on one of the
13 Biden --

14 A Yeah, I remember that.

15 Q -- paintings. So the first Naftali purchase happened February of 2021?

16 A I believe so, yes, February 17th.

17 Q Of 2021?

18 A Correct.

19 Q So that was -- that was before you even had any New York showings,
20 correct? And so the first New York showing was November of 2021, fair?

21 A What was the first year of his dad's Presidency?

22 Q '21.

23 A 2021.

24 Q Yeah, he was elected in the year 2020.

25 A Twenty -- So he was elected in 2021. And the first one was when?

1 Ms. Forrest. Elected in 2020 and then the first show was October 2021.

2 Mr. [REDACTED] So was the first show in Los Angeles --

3 Mr. Berges. So this is --

4 Mr. [REDACTED] Was that before his dad -- it was October, right? So it was before
5 an election. Was that before an election or was it after his dad had been in office --

6 Mr. Berges. 2021. Wait. Was his dad President all of 2020?

7 Ms. Forrest. No, he was elected in November of 2020.

8 Mr. Berges. 2021. Okay. So, then, yeah, I guess she bought it right after.

9 Mr. Bishop. So do you have an independent recollection of this? In other
10 words, as you think back in your own memory, not relying on something --

11 Mr. Berges. Right.

12 Mr. Bishop. -- that's on a piece of paper, are you able to testify of your own
13 knowledge --

14 Mr. Berges. Yeah.

15 Mr. Bishop. -- whether the first exhibition occurred in October 2020, before Joe
16 Biden was elected President, or October 2021 after he was --

17 Mr. Berges. Oh, I can a hundred percent say that it was after he became
18 President.

19 Mr. Bishop. Okay. Yield.

20 BY MR. [REDACTED]

21 Q And the first sale, in fact, didn't happen until December of 2020.

22 A The first sale, yes, and remember I've been working with him since 2019.

23 So --

24 Q So with Ms. Naftali, you mentioned it took you about a year to convince her.

25 But is it possible --

1 A No, not a year like specifically for that piece but talking about my artists and
2 Hunter and why, you know, sowing the seeds that he's going to be a great artist.

3 Q Uh-huh.

4 A It's, you know, it's I'm a salesman. So you got to build it up. You can't do
5 it. So it took me months of basically preparing for that.

6 Q Did she buy other art from you or --

7 A She did not.

8 Q Okay. So Hunter Biden, these two transactions are the only transactions
9 you've had with Ms. Naftali?

10 A Yeah, yeah.

11 Mr. ██████ I think I'm done.

12 Mr. Bishop. Let me ask this real quickly.

13 On the list of your exhibit 1, your letter that lists all of the sales --

14 Mr. Berges. Right.

15 Mr. Bishop. -- if I look at the one, the second one for Buyer A says July 31, 2021,
16 correct?

17 Mr. ██████. Okay, yes.

18 Mr. Bishop. You see that? So that is the one, two, three, four, five, six, seventh
19 sale, correct?

20 Mr. Berges. Wait, July 31st.

21 Mr. Bishop. Of 2021.

22 Mr. Berges. Okay. Yes.

23 Mr. Bishop. Okay. So all of those sales occurred before there was ever a show,
24 a showing? Because the showing occurred --

25 Mr. Berges. Yeah, then yeah --

1 Mr. Bishop. -- October 2021.

2 Mr. Berges. Yeah.

3 Mr. Bishop. Okay. How about the next one, the October 26, was that before or
4 after the showing?

5 Mr. Berges. Where is that?

6 Mr. Bishop. Buyer C.

7 Mr. Berges. Buyer C. Oh, that was -- that was at the show. That was
8 someone that came, a collector of mine, that came to the opening.

9 Mr. Bishop. Okay.

10 Mr. [REDACTED] Yeah, but wait a second, if I may.

11 Mr. Bishop. Go ahead.

12 BY MR. [REDACTED]

13 Q Buyer C made the sale on October 26th, 2021.

14 A October 26th, 2021.

15 Q And you said he was one -- he or she was one of your regular customers, a
16 collector.

17 A It was someone that's bought from me, that buys from me, yeah.

18 Q But the date of the sale, October 26th, 2021, is before the New York showing
19 in November of 2021.

20 A I don't know. Maybe I presold it. I don't remember to be honest with
21 you.

22 Q But you --

23 A But I know, I remember that it's a piece that was in the exhibition.

24 Q Okay.

25 A It was -- I remember it specifically what it -- which one it -- but can I see the

1 name just to make sure it's the right person?

2 Mr. Bishop. And while you're looking, was Buyer C at the showing in California?

3 Mr. Berges. He was not.

4 BY MR. [REDACTED]

5 Q Okay. Yeah --

6 A Yeah.

7 Q That's consistent with what --

8 A Yeah.

9 Q -- you said earlier.

10 Mr. Bishop. How did you expose the art to Buyers A, B, and C if there's not even
11 been a showing?

12 Mr. Berges. Because I show -- I would -- I could put them in a group show. I
13 have the -- like right now I'm not showing his work. But if I want to show it to a
14 collector, I'd bring it out of the storage. We'd hang it. We do viewings. So I don't
15 just sell the artist during their exhibitions. I sell them year-round.

16 Mr. Bishop. Do you have a record or memory of when you conducted viewings
17 of Hunter Biden art as distinct from the shows?

18 Mr. Berges. I don't. I mean, I'm constantly viewing. Like if you go to my
19 gallery now, you can't find enough of his work hanging. It hasn't been hanging for
20 months since I finished this, but I have some of his work still. He hasn't asked for it back.
21 I still have it there. We're still kind of in this gray zone. I talk to him a lot. But I
22 have -- I've not represented him.

23 Mr. Jordan. Mr. Berges, I have to run.

24 Mr. Berges. Something I said?

25 Mr. Jordan. No, we appreciate you and your counsel being here and the way

1 you've answered the questions.

2 Mr. Berges. All right. Thank you.

3 BY MR. [REDACTED]

4 Q I just want to clarify the timeline regarding Elizabeth Naftali. So when you
5 first started interacting with her, that was prior to November of 2020? If her art was
6 purchased in February of --

7 A Then I must have known her, yeah.

8 Q -- 2021, so you -- you were having conversations with her, trying to convince
9 her to buy the art prior to November --

10 A Not convince her to buy the art so much as, you know, build the relationship
11 to hopefully buy art.

12 Q But you said she didn't want to initially buy art for up to a year is what you
13 said.

14 A No, not that she didn't want to. I tried to. You know, it's kind of -- I just
15 remember she had -- she never was an easy sale for me. I remember people that I kind
16 of said they there are easy sales or they're a struggle. With her, I remember it took a lot
17 of convincing.

18 So sometimes you'll have a conversation about this or that, and I'll talk about how
19 great he is as an artist. So it's not specific to a painting, but I'm building up for the ask.

20 Q But it's fair to say that she did not buy art from you, Hunter Biden's art, prior
21 to November of 2020, correct?

22 A Correct.

23 Q And then just a couple of months later, after Joe Biden wins the Presidency,
24 she then buys her first piece of Hunter Biden art, correct?

25 A Correct.

1 Mr. [REDACTED] Thank you.

2 Mr. [REDACTED] Can I just have one follow-up?

3 Mr. [REDACTED] Sure.

4 BY MR. [REDACTED]

5 Q For the second exhibition show that you talked about, you talked about the
6 people that were invited. You talked about your family.

7 A Right.

8 Q I think you said Hunter Biden's children, and then you used a phrase. You
9 said targeted people. I just want to follow up who those targeted people were.

10 A That were invited to -- which one? The second?

11 Q The second exhibition, yeah, the one --

12 A I mean, collectors or people that were -- that we thought, I thought were
13 serious or that if -- people I thought should see that, like, people, art critics, like Donald
14 Kuspit who wrote a really -- he's arguably one of the best art critics in the world -- wrote a
15 really great review of him as an artist.

16 The New York Times, my collectors, like so targeted in that sense that for his, not
17 only for sales but for his career, art critics, people who have important collections in the
18 art world that I think should see his work, targeted in that sense.

19 Q Did any of those targeted people end up purchasing one of the pieces of the
20 art?

21 A Yes.

22 Q And which buyer was that?

23 A I think it's one -- it's Buyer C. I think Buyer C was someone that I had
24 targeted.

25 Ms. [REDACTED]. Okay. Thanks.

1 Mr. [REDACTED] I think we can go off the record.

2 Mr. Bishop. Before we go, can I get one more question?

3 Mr. [REDACTED] Yes, sir. Yes, sir.

4 Mr. Bishop. Mr. Berges, what is Artnet?

5 Mr. Berges. Artnet is an art magazine. It's I think the only publicly traded art
6 magazine in the world. I consider it as the blue chip of art.

7 Mr. Bishop. Did you talk to Artnet about Mr. Biden?

8 Mr. Berges. I did.

9 Mr. Bishop. In that same Washington Post article, last page of it, it says, "Berges,
10 the gallery owner, told Artnet that he is planning a private viewing of the Hunter Biden's
11 art in Los Angeles, followed by a New York exhibition." Is that correct?

12 Mr. Berges. Yes.

13 Mr. Bishop. Okay. And then the next sentence says, "The \$75,000 asking price
14 will apply to works on paper, he said. And the \$500,000 price tag will be attached to
15 large paintings."

16 Mr. Berges. Yeah, that was --

17 Mr. Pittard. Sorry. Sorry, Congressman. Can -- is this exhibit -- is this tab H
18 that we're on?

19 Mr. Bishop. It's exhibit 3. I referred to it earlier.

20 You're welcome to turn to the last page, and we'll go back over that sentence.

21 Mr. Pittard. Yeah, thank you. So tab H, the last.

22 Mr. Bishop. You have it in front of you?

23 Ms. Forrest. What page is it on?

24 Mr. Bishop. It's the Washington post article. It's the very last page of the
25 article.

1 Mr. Berges. Yeah, I --

2 Mr. Bishop. So let me, before he answer, let me get the question so the question
3 will be close to the answer when somebody's trying to read it.

4 So the second sentence of that paragraph says, "The \$75,000 asking price will
5 apply to work on paper, he said. And the \$500,000 price tag will attached to large
6 paintings."

7 So here's my questions. Does that refresh your recollection that you did speak
8 about those figures for sales of Hunter, pricing of Hunter Biden's art?

9 Mr. Berges. No, that did not come from me. I remember because I complained
10 to actually Bill Fine, the President of Artnet, who's also a friend of mine. And I said,
11 Where did that come from?

12 And this is why I suspected that it was my publicist. So that was attributed to
13 me, but it wasn't me who said that.

14 Mr. Bishop. Okay. So you did speak to Artnet about the first -- the content of
15 the first sentence in that paragraph but not the second. Is that your testimony?

16 Mr. Berges. All I recall is complaining to my publicist where did there number
17 come from and because once they wrote it, it just became this -- it took on a life of its
18 own. And I got a lot of blowback from that in materials of why would I put that. I
19 never said that.

20 And I -- although it's attributed to me, I more than -- I'm 90 percent certain that it
21 was my publicist, in order to drum up the excitement, in her hubris, she said that number,
22 not knowing than it would stick forever.

23 Mr. Bishop. Thank you. I yield back.

1 [1:52 p.m.]

2 Mr. [REDACTED] Did Hunter Biden ever ask you to correct that?

3 Mr. Berges. No.

4 BY MR. [REDACTED]

5 Q And, if you go to your -- I went to your website before you joined us here
6 today and noticed that you still have Hunter Biden displayed prominently on the website
7 as one of your artists.

8 A Right.

9 Q So is that because you just haven't taken him down yet?

10 A No. It's -- I mean, I still have some of his work, so, like, this other one that
11 sold after the contract ended so someone can still come. But, yeah, it's also -- you
12 know, it's -- it's touchy on an artist seeing their name come down. It's kind of -- you
13 know, he's my friend. There's a lot that goes into it.

14 Q Okay.

15 A But I still have his work.

16 Q Okay.

17 A I still believe in him as an -- I believe in him as an artist. I have his work.
18 Everything that I've said it's sincere because I don't -- you know, it's -- I'm not benefiting
19 in so many different ways where I -- my motivation has to be sincerity. That's the only
20 thing left. And I do like his work, and there's an emotional -- and I spent 4 years of
21 working with it. So it hasn't -- don't read too much into it.

22 Q But, in a sense, you're still marketing his work because it's on your website,
23 right?

24 A Yeah, yeah.

25 Q Okay. So, if somebody wants to buy the art, you'll sell it to them

1 and you'll --

2 A Yeah, yeah.

3 Mr. [REDACTED] Okay. Fair enough.

4 I think our time is up.

5 Mr. Pittard. Okay.

6 Mr. [REDACTED] Off the record.

7 [Recess.]

8 Ms. [REDACTED] We can go back on the record.

9 BY MS. [REDACTED]

10 Q Mr. Berges, I just had a couple of followup questions for you.

11 A Okay.

12 Q How many people generally came to the shows you hosted for Mr. Biden?

13 You said 200 in L.A. Is that correct --

14 A Yeah.

15 Q -- approximately?

16 A Maybe 150, maybe 200.

17 Q What about the other shows?

18 A Very limited. Maybe 20, 30, 40 people. It was very -- friends and family.

19 Q So is it fair to say -- well, to go back, only 10 people have purchased Mr.

20 Biden's paintings?

21 A Uh-huh.

22 Q Correct?

23 A Yes.

24 Q So is it fair to say that most of the people that attended Mr. Biden's art
25 shows did not end up buying any artwork?

1 A That's correct.

2 Q In the last hour, you also talked a bit about how some of the sales took place
3 before the L.A. art show.

4 A Uh-huh.

5 Q Did you have Hunter Biden's art in your gallery prior to the first art show?

6 A Yes.

7 Q Okay. In relation to the art shows, were you -- sorry. Scratch that.
8 Were you trying to sell -- were you specifically trying to sell Hunter Biden's
9 paintings to Democratic donors?

10 A No.

11 Q In fact, most of the people who bought Hunter Biden's paintings were not
12 Democratic donors, correct?

13 A I don't know what their political affiliation, but I would assume so.

14 Q Well, the list you brought in today identified three people --

15 A Right.

16 Q -- that were of interest to the committee, right?

17 A Right.

18 Q And named those people?

19 A Right.

20 Q And the rest of the seven buyers were not identified?

21 A Correct.

22 Ms. [REDACTED] And I believe you testified earlier that most of them were, at least
23 to your knowledge, Republican?

24 Mr. Berges. From my -- I would assume. I never asked them. But, yeah, I
25 would think so.

1 BY MS. [REDACTED]

2 Q Okay. So, on that, you said that you were not specifically trying to sell
3 paintings to Democratic donors. What was your motivation in trying to sell paintings?

4 A That I believe in the art. I believe in the artist. I believe -- it had nothing
5 to do with politics at all, like far from it.

6 Q And it's also a business issue, right? Like you need to sell paintings --

7 A Right.

8 Q -- to stay in business?

9 A Exactly.

10 Q Is that right?

11 A Exactly.

12 Q Okay. And that's your --

13 A That's a -- it's a really big part eventually. Because, in the beginning, you're
14 normal. You're building the relationship. But over 3, 4 years, yeah, the business
15 component has to -- starts playing into it.

16 Ms. [REDACTED] Thank you.

17 BY MS. [REDACTED]

18 Q You stated during the last hour that you had two very brief encounters with
19 President Biden.

20 A Right.

21 Q One at a wedding at the White House, correct?

22 A Right.

23 Q And one phone call, correct?

24 A Correct.

25 Q And, in either of those encounters, did you discuss your sale of Hunter's art?

1 A Absolutely not.

2 Q You didn't discuss the identity of the buyers of Hunter's art?

3 A Never.

4 Q You didn't discuss anything related to Hunter's art at all with the President?

5 A Nothing. I didn't discuss anything related to Hunter's art at the wedding,
6 anywhere.

7 Q With anyone?

8 A With anyone.

9 Q And I think it goes without saying based on those answers that the President
10 was not in attendance at any of your exhibitions --

11 A Correct.

12 Q -- of Hunter Biden's art?

13 A Uh-huh.

14 Q Now, you were asked a series of questions earlier in the day about Hunter
15 learning from sources other than you the identity of his buyers, how he learned, when he
16 learned.

17 A Uh-huh.

18 Q You don't know if he discussed the identity of his buyers, when he learned
19 about that through sources other than you, with his father, do you?

20 A I don't know any of that.

21 Q You don't know what information the President may or may not have about
22 Hunter Biden's art sales?

23 A Correct.

24 Q In the arrangement that was discussed in the last hour about Kevin
25 Morris -- that Kevin Morris had with Hunter Biden and whatever debt or your

1 understanding of them having an arrangement regarding his portion of the sales, you
2 don't know if the President knew anything about that?

3 A I don't know anything.

4 Q Mr. Berges, have you ever received a political favor from the President?

5 A Absolutely not.

6 Q And, during your interactions with potential buyers and ultimate buyers of
7 Hunter Biden's art, did you receive any indication that the buyers expected to receive
8 some sort of political favor or benefit by purchasing artwork from the President's son?

9 A Absolutely not.

10 Q And have you ever communicated to a potential buyer that there might be
11 some political benefit for them, some favor from the White House --

12 A Absolutely not.

13 Q -- if they purchased Hunter's art?

14 A No, absolutely not.

15 Ms. [REDACTED] Thank you.

16 Ms. [REDACTED] We can go off the record.

17 Thank you.

18 [Whereupon, at 2:12 p.m., the interview was concluded.]

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Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date



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Re: Corrections by Mr. George Bergès to the Transcript of His Interview Before the House Committee on Oversight and Accountability and House Committee on the Judiciary (January 9, 2024)

ERRATA

Page	Line	Change From	Change To	Reason
12	19	I'm	I'd	Transcription error
14	3	peek	peak	Transcription error
16	2	I've	I'd	Transcription error
20	4	at	on	Transcription error
20	23	in	on	Transcription error
27	17	correct	contract	Transcription error
91	7	Concern	Kevin	Transcription error
95	19	McCarthy	Morris	Questioner misspoke
101	21	goat	get to	Transcription error
111	2	able	obligated	Clarification of testimony
126	19	enough I	any of	Transcription error